

# PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Friday, 29 October 2021

Examination of proposed expenditure for the portfolio area

## SPECIAL MINISTER OF STATE, PUBLIC SERVICE AND EMPLOYEE RELATIONS, ABORIGINAL AFFAIRS AND THE ARTS

The Committee met at 9:30.

**CORRECTED**

### MEMBERS

The Hon. Robert Borsak (Acting Chair)

Ms Cate Faehrmann  
The Hon. Ben Franklin  
The Hon. Mark Latham  
The Hon. Taylor Martin  
The Hon. Daniel Mookhey  
The Hon. Peter Poulos  
The Hon. Walt Secord  
The Hon. Penny Sharpe  
Mr David Shoebridge

### MEMBERS PRESENT VIA VIDEOCONFERENCE

Mr Justin Field

### PRESENT

**The Hon. Don Harwin**, *Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts*

\* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**



**The ACTING CHAIR:** Welcome to the public hearing for the inquiry into budget estimates 2021-2022. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Don Harwin and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for portfolios of Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts.

Before we commence I would like to make some brief comments about the procedure for today's hearing. Today's proceedings are being broadcast live from Parliament's website and a transcript will be placed on the Committee's website once it becomes available. In accordance with broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. All witnesses in budget estimates have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could answer only if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers if you have any seated behind you, which they are.

In terms of the audibility of the hearing today, we have witnesses in person and via videoconference. I ask Committee members to clearly identify who questions are directed to and I ask everyone appearing remotely to please state their name when they begin speaking. Everyone should please mute their microphones when they are not speaking. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses will be sworn prior to giving evidence. Minister Harwin, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

**KATE FOY**, Deputy Secretary, Department of Premier and Cabinet, affirmed and examined

**MICHAEL COUTTS-TROTTER**, Secretary, Department of Premier and Cabinet, sworn and examined

**LISA HAVILAH**, Chief Executive Officer, Museum of Applied Arts and Sciences, before the Committee via videoconference, affirmed and examined

**NICOLE COURTMAN**, Registrar, Aboriginal Land Rights Act, before the Committee via videoconference, affirmed and examined

**MICHAEL BRAND**, Director, Art Gallery of New South Wales, before the Committee via videoconference, affirmed and examined

**KATHRINA LO**, NSW Public Service Commissioner, NSW Public Service Commission, before the Committee via videoconference, affirmed and examined

**CHARLIE HEUSTON**, Executive Director, Employee Relations, Department of Premier and Cabinet, before the Committee via videoconference, affirmed and examined

**CHRISTOPHER KEELY**, Executive Director, Create NSW, Department of Premier and Cabinet, before the Committee via videoconference, affirmed and examined

**LILIAN GORDON**, Head, Aboriginal Affairs NSW, before the Committee via videoconference, affirmed and examined

**ANNETTE PITMAN**, Head, Create Infrastructure, Create NSW, Department of Premier and Cabinet, before the Committee via videoconference, affirmed and examined

**LOUISE HERRON**, Chief Executive Officer, Sydney Opera House, before the Committee via videoconference, affirmed and examined

**The ACTING CHAIR:** Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m. with the Minister and departmental witnesses with questions from the Opposition and crossbench. If required an additional 15 minutes is allocated at the end of the session for Government questions. As there is no provision for any witness to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. WALT SECORD:** I will start my very first question with the arts Minister, the Hon. Don Harwin. I want to take you back to 24 August 2018. That involves the funding and your announcement, and if it is necessary I can table it. It is a press release under your letterhead—under your name as arts Minister—announcing an additional \$20 million commitment to the construction of a purpose-built recital hall to ensure that Wagga Wagga becomes the Riverina's premier entertainment destination. Do you recall this press release, Minister?

**The Hon. DON HARWIN:** I most certainly do.

**The Hon. WALT SECORD:** Were you involved in the preparation of this press release?

**The Hon. DON HARWIN:** I probably would have seen it before I released it but, no, I was not involved in actually writing it.

**The Hon. WALT SECORD:** But you would have seen the press release before it was issued?

**The Hon. DON HARWIN:** Yes.

**The Hon. WALT SECORD:** Mr Coutts-Trotter, what is the status of the Riverina Conservatorium of Music at the moment?

**Mr COUTTS-TROTTER:** I am sorry, Mr Secord, I am woefully ill-prepared for these estimates. I will need to take that on notice. I do not know. I will take it on notice and respond to the Committee.

**The Hon. WALT SECORD:** Mr Harwin, what happened prior to 24 August 2018 when you made this announcement as arts Minister? What was your involvement in this announcement?

**The Hon. DON HARWIN:** There is not a lot I can add to what I said in the House, I think about two weeks ago. But I am happy to go through that. In summary, virtually no involvement whatsoever, I was just asked to make the announcement. But, as you know, once—

**The Hon. WALT SECORD:** Can I stop you there? I would like to ask a question based on that. Is it customary for you to make announcements without knowing what the announcements are and the background to them?

**The Hon. DON HARWIN:** I have answered this question on several occasions, but I am happy to go through it again. It is very simple. The Riverina Conservatorium of Music stage one is in a New South Wales government-owned property which is undergoing a refurbishment to provide a new home. You would be aware of that. Those works for stage one, once finished, will involve a building—which previously was, from recollection, a Roads and Maritime Services building—being leased to the Riverina Conservatorium of Music. The Department of Planning, Industry and Environment [DPIE] holds the property and Property & Development NSW is actually delivering the project.

The funding of \$10 million for stage one was funded in the 2019-20 New South Wales budget under the Property NSW building refurbishment program. Create NSW received reports from DPIE during the design scope stage but was not involved in the delivery of stage one at all. As I am sure you know, stage one is for the transformation of that building into a purpose-built tuition and rehearsal space, along with admin and meeting facilities, which is really very much needed for the Riverina conservatorium and enabling it to deliver its services to the people of the Riverina. It is expected that stage one will be finished sometime during 2022.

Stage two, I really had no involvement in. The whole process was led by the Department of Regional NSW and therefore, strictly speaking, is not of any relevance to me. But I know you are asking me a question about the press release, so I am happy to answer that. Stage two, which was a public commitment for the construction of a \$20 million purpose-built recital hall and ancillary facilities for the Riverina Conservatorium of Music, was subject to full project scope and costings and completion of a business case. So all of those things had to be done before any money would be spent on it. In terms of those processes, as I have reiterated, Create NSW had no involvement in any of them. They were all being led by Regional NSW and I would remind you that regional conservatoria are independent, not-for-profit organisations that receive operating funding through the Department of Education. So, even to that extent, there has been no involvement by me. You would be aware that some regional conservatoria did apply for and were eligible to apply for money out of the Regional Cultural Fund.

**The Hon. WALT SECORD:** In fact, I remember you announcing a couple of them in Parliament.

**The Hon. DON HARWIN:** Indeed. Riverina conservatorium did not do that. It was never, as I recall, advanced through the Regional Cultural Fund.

**The Hon. WALT SECORD:** It did not need to.

**The Hon. DON HARWIN:** I confess that a lot of what I am—that the process, in terms of it being taken to the Expenditure Review Committee and Regional NSW's work, I am just not briefed on because I was not involved. Frankly, I only made that announcement because—I think as is a matter of public record and has been canvassed in the last few days at the Independent Commission Against Corruption [ICAC]—that decision in terms of stage two was made after the former member for Wagga Wagga left Parliament and there was a by-election. On that particular day, I was visiting Wagga Wagga to make an announcement about library funding. Why was I doing it in Wagga? Well, in part because there was a by-election, let us be frank. But mostly because the relevant head of the—

**The Hon. WALT SECORD:** Association?

**The Hon. DON HARWIN:** —association was from Wagga. That is why I was making it in Wagga Wagga. I was asked by the Premier's office to make this announcement at the same time. Beyond that, honestly, I have really no further information I can help you with.

**The Hon. WALT SECORD:** Mr Harwin, did Daryl Maguire or Julia Ham ever make representations to you involving the Conservatorium of Music in Wagga?

**The Hon. DON HARWIN:** Julia Ham did not. I recall that sometime prior to that, on a previous visit to Wagga—and I could not really remember which one it was—that Daryl showed me the stage one building.

**The Hon. WALT SECORD:** He took you there? Did he take you there?

**The Hon. DON HARWIN:** Well, we were travelling from one place to somewhere else. We went to a number of things that day.

**The Hon. WALT SECORD:** So these are these famous trips where you would get into the car with him and he would take various Ministers to sites of the electorate. Is that right?

**The Hon. DON HARWIN:** I do not know whether they are famous or not.

**The Hon. WALT SECORD:** They are famous.

**The Hon. PENNY SHARPE:** They have become famous.

**The Hon. WALT SECORD:** Or infamous might be a more correct phrase.

**The Hon. DON HARWIN:** But the reality is that on that particular day I visited with him the Greens Gonyah Museum in Lockhart—a great facility. I visited also the Batlow Literary Institute—a great facility.

**The Hon. WALT SECORD:** I remember that. We asked questions about that.

**The Hon. DON HARWIN:** Both are funded through the Regional Cultural Fund. As you could probably understand, Wagga Wagga is effectively halfway between Batlow and Lockhart. Yes, we did go through Wagga Wagga and did a number of other things that day, but I do not remember them. At the same time, he took me past stage one. So he showed me the stage one building and he said that the conservatorium "would like" a recital hall next to it. I remember that. But that is literally the only involvement that I had.

**The Hon. WALT SECORD:** Minister, would you have issued this press release, this statement, if you had known about the relationship between Mr Maguire and Ms Berejiklian?

**The Hon. DON HARWIN:** Look, that is a totally hypothetical question, Walt—

**The Hon. WALT SECORD:** No, it is not a—

**The Hon. DON HARWIN:** —and I am just not going to get into it.

**The Hon. WALT SECORD:** Minister, I would like to answer the question again. You may not want to answer the question—that is your prerogative. Would you have issued this press release if you had known about the relationship between Mr Maguire and the Premier? It is a very easy question.

**The Hon. DON HARWIN:** The truth, Walt, is—

**The Hon. WALT SECORD:** If you asked me the question, I would say, "No".

**The Hon. BEN FRANKLIN:** You have asked the question, let him answer it.

**The Hon. DON HARWIN:** The truth, Walt, is that I did not know of the relationship, so it is purely hypothetical.

**The Hon. WALT SECORD:** Ms Foy, the Minister mentioned in his answer that Create NSW had been consulted or informed of the process. What is your knowledge of the Riverina Conservatorium of Music and what were those consultations that involved your area of responsibility?

**Ms FOY:** Thanks, Mr Secord. My knowledge is as the Minister has reported. As you know, I commenced in the role in 2019, so I do not have any direct understanding of what happened prior to that time. The role of Create NSW is as the Minister has described.

**The Hon. WALT SECORD:** So you have no knowledge and you have done no—have you done any follow-up involving the Conservatorium of Music?

**Ms FOY:** No, I have not.

**The Hon. WALT SECORD:** Minister Harwin, there have been concerns expressed in the community down there by the local member, Dr Joe McGirr, that the Government will not complete the project?

**The Hon. DON HARWIN:** Sorry, stage two?

**The Hon. WALT SECORD:** Yes, of the Conservatorium of Music.

**The Hon. DON HARWIN:** Well, look, I have not been further briefed beyond the information that I have given you. I have stated quite clearly it is a matter for Regional NSW. I think, honestly, the best way you could pursue it is to really take it up in Regional NSW estimates, Walt, because it is not something that my portfolio has any accountability for.

**The Hon. WALT SECORD:** Minister, I want to take you to support for arts organisations during the COVID period.

**The Hon. DON HARWIN:** Certainly.

**The Hon. WALT SECORD:** I think you made an announcement recently of \$75 million.

**The Hon. DON HARWIN:** Yes.

**The Hon. WALT SECORD:** Will you update me on that, please?

**The Hon. DON HARWIN:** Yes, I would be delighted to. Obviously, you would be probably aware now that the extent of our support for the sector during COVID-19, right from the beginning in 2020 through to now, approaches about a quarter of a billion dollars in total. I am very happy to answer a question about any particular part of it. I note you have raised one part of it, which is the most recent—

**The Hon. WALT SECORD:** Actually, Minister, I will take you up on what you just offered, because I am mindful of my time. Let us hone in on the \$75 million fund that you announced most recently. Of that \$75 million fund, how much has been disbursed?

**The Hon. DON HARWIN:** I will give you the figure right up front. It is \$40.8 million as at 26 October 2021. The purpose of the package was to ensure that the performing arts remain financially viable. The package was designed to provide urgent financial support to performing arts venues, producers and promoters impacted by the cancellation or postponement of performances resulting from the New South Wales COVID-19 public health orders from 26 June 2021 to 18 September 2021. For the period after 18 September 2021 there is an additional package that is available, as well, for new losses. And this you will want to know: The package has supported 111 eligible applications, which represent well over 1,100 venues, organisations, producers and artists.

**The Hon. WALT SECORD:** What proportion of that went to rural and regional New South Wales?

**The Hon. DON HARWIN:** I will take that on notice at this stage. I will flag that I might be able to give you that total figure at the end of the estimates hearing, but I do not have it in that form in front of me. I have a list of all of them but not broken up by region.

**The Hon. WALT SECORD:** This fund for performing arts venues would go from small independent theatre operations to large commercial operations.

**The Hon. DON HARWIN:** Most certainly, Walt. I will see what I can find for you that might give you a taste for it but is not necessarily in that form. You would be aware that, for example, it also covers live music, which is—

**The Hon. WALT SECORD:** Yes, but I am interested in the performing arts program.

**The Hon. DON HARWIN:** Yes, I know, but I just wanted to make that clear. For example, the Cambridge Hotel in Newcastle, which is a well-known live music venue, has received \$206,272. I would call that more mid-range. Then there is, for example, the Cowra Civic Centre. That has received \$9,255. For the Manning Entertainment Centre, which is operated by MidCoast Council at Taree, \$5,625. That gives you a taste. The Illawarra On Pointe organisation, which is an orchestra that is Wollongong based, has had \$58,776. Theatre Oz Port Macquarie has had \$5,126. Even the good old Woy Woy Little Theatre Inc., which I have not had the chance to visit yet but I have been wanting to get to since it is not far from home, received \$7,949. Obviously, that is at the smaller end. But the way the formula is calculated is that it is a reflection of the number of performances and the number of seats. That in itself also reflects, due to the economies of performing, the number of people that are working on the shows. Obviously, there are more substantial figures for other productions.

**The Hon. WALT SECORD:** I understand that, so \$7,949 for—did you say Woy Woy?

**The Hon. DON HARWIN:** Woy Woy Little Theatre Inc., yes. That is just a selection.

**The Hon. WALT SECORD:** I understand that. What is the maximum amount that a performing theatrical—

**The Hon. DON HARWIN:** I have taken a decision that, in terms of the \$75 million and the \$50 million, no one single production may get more than 10 per cent of the total fund.

**The Hon. WALT SECORD:** So what is that?

**The Hon. DON HARWIN:** Which is \$12.5 million.

**The Hon. WALT SECORD:** That is right, so \$12.5 million is the maximum that a theatrical organisation could receive under your fund.

**The Hon. DON HARWIN:** Yes, which basically reflects the fact that, obviously, there are some productions that employ a lot of people.

**The Hon. WALT SECORD:** I understand that.

**The Hon. DON HARWIN:** With the public health orders as they are, you would be aware of the economics of some of the big commercial theatre productions.



**The Hon. WALT SECORD:** Absolutely, yes.

**The Hon. DON HARWIN:** It is the case that for a lot of them, unless they are selling at 85 per cent or more, they are not breaking even. The public health orders limit theatre capacities to 75 per cent. If the State Government did not step in, literally, you would have the big shows not being able to reopen at all.

**The Hon. WALT SECORD:** Minister, that is what I want to go to. It has been put to me that you provided *Hamilton* with the absolute maximum, which was \$12.5 million. Is that correct? It is a yes-or-no question.

**The Hon. DON HARWIN:** As at 26 October it is not the case that they have had the maximum, but they have had a substantial amount. The fact is that they would not have been able to reopen at all if they had not received the amount that they are eligible to receive under the guidelines. They would just have simply packed up shop and gone to Melbourne. I think it would have been a tragedy for Sydney, when New South Wales has done so well responding to COVID, not to be able to reward the people of New South Wales with those shows reopening.

**The Hon. WALT SECORD:** But, Minister, you named about seven different companies in New South Wales. You named expressly, dollar for dollar, what you provided to them.

**The Hon. DON HARWIN:** Yes.

**The Hon. WALT SECORD:** How much did you provide—

**The Hon. DON HARWIN:** I am very happy to tell you. So far, as at 26 October, Hamilton Production Australia Pty Ltd has had \$10,064,780.

**The Hon. WALT SECORD:** That is as of 26 October.

**The Hon. DON HARWIN:** The twenty-sixth, yes.

**The Hon. WALT SECORD:** Why do you give that date as the date?

**The Hon. DON HARWIN:** Because I think that is the date that we printed out the list to be ready in our estimates folder.

**The Hon. BEN FRANKLIN:** It is only three days ago; it is pretty recent.

**The Hon. DON HARWIN:** It is as simple as that, Walt.

**The Hon. WALT SECORD:** I am just asking the question.

**The Hon. DON HARWIN:** I can promise you there is nothing to see here.

**The Hon. WALT SECORD:** Nothing to see here; move along!

**The Hon. DON HARWIN:** I wanted to lighten it.

**The Hon. WALT SECORD:** I just heard the buzzer, but I just want to confirm: 10 million—

**The Hon. DON HARWIN:** \$10,064,780. Thank you, Walt.

**The Hon. WALT SECORD:** Thank you, Minister.

**The ACTING CHAIR:** Minister, what are the actual criteria for making grants to various arts programs, firstly, in the bush; and then, secondly, here in Sydney?

**The Hon. DON HARWIN:** You will have to specify exactly which program, Robert. I am sorry; I am not trying to be difficult. Lots of the programs have different guidelines, so you really will have to specify which.

**The ACTING CHAIR:** Why don't you start at the top of the list and work your way down?

**The Hon. DON HARWIN:** Okay. Are you asking about COVID-19 support packages or are you asking about our routine arts funding grants?

**The ACTING CHAIR:** In the first instance, I am talking about COVID and, in the second instance, I am talking about the routine grants programs. But more specifically what I am interested in is the criteria within there. In other words, what gives one arts program a preference over another?

**The Hon. DON HARWIN:** Could you just expand on what you are trying to ask in terms of that last point?

**The ACTING CHAIR:** For example, you answered the question in relation to *Hamilton*. You said, "I did not want to lose that to Melbourne."

**The Hon. WALT SECORD:** Melbourne was in complete lockdown.

**The ACTING CHAIR:** Is that an overriding criteria?

**The Hon. DON HARWIN:** I do not think that is quite right. I put it more this way, which is that I would think, but for the help of some money, to have that not reopen at all when it really could have been a great shame. It is not just *Hamilton*. I would not want you to think it is just *Hamilton*. It is a wide variety of art forms and a wide variety of performances in a wide variety of locations. But, in any case, I am very happy to go through each of the big programs and outline what they are for. In terms of the specific guidelines, all of them are on Create NSW's website. But I will pretty much summarise them so you get a feel for each of them.

**The ACTING CHAIR:** Yes.

**The Hon. DON HARWIN:** The stage one in 2020, which was rescue funding, was the first part of the \$50 million arts Rescue and Restart program we had last year. It was focused on the critical need to support arts companies who were in financial distress and imminent risk of insolvency due to the impact of COVID-19. The goal was to ensure the companies remained solvent during the lockdown period and that the State retained the critical arts organisations that support the ecology. The eligibility criteria were that they were New South Wales based, that they were not for profit, that they were arts and cultural organisations, that they were in financial distress and that the financial distress was because of COVID-19. A key assumption was that the rescue funding, which was the first stage of Rescue and Restart, would be needed for the period to 2 September 2020, with restart forecast following that date. This was in line with when the Australian Government placed the deadline for JobKeeper.

The initial assessments were done by the DPC through Create NSW, with detailed financial assessment conducted by Treasury with the assistance of Create NSW and PwC when that was necessary. Once the applications were assessed, recommendations were made to the deputy secretary—who is sitting next to me—for endorsement and then were signed off by me. Twenty-seven companies received \$18.1 million, with a wide spread of major, small-to-medium and community-based organisations receiving support. I am very proud to say that, to the best that I am aware or my department is aware, not one company suffered an insolvency event during that stage. So that was very successful.

Stage two focused on relaunching the sector once health orders allowed, with funding available to enable organisations to restart operations when the health guidelines permitted. The priorities we gave with stage two were to create jobs in the sector, to develop new work and to support the regions. There was \$30 million that was provided in that particular stage. It was effectively stimulus to 182 Create NSW multi-year and annually funded organisations. What happened was that funding amounts under this part of the package were based on average turnover from 2018 to 2019 and capped to \$750,000 per company to ensure there was a very wide funding distribution. There were 182 recipients of that. The characteristic of both stage one and stage two was it was very formulaic. They were not, as such, grant programs which were assessed. In stage one they were analysed literally as an accounting exercise. In stage two we cut it up based on size so that it was an equitable distribution across the sector with the cap so that no one organisation got too much.

I come to this year's programs, with the \$75 million being the first stage this year. I did go through that in some detail with the Hon. Walt Secord a little earlier. I will not go over all of that again but I would add this. Eligible venues were determined through sector consultation review and marketing materials of venues and also an assessment of ticket sales through ticket agencies. Those venues falling outside of the eligible venues list could apply for eligibility consideration through Create NSW. Applications opened from 23 July 2021. To be eligible for funding, applicants had to be one of the identified eligible venues or a promoter or producer of a performance in an identified eligible venue. Then, yet again with that program, it was according to a formula. It was not a matter of applying for a grant and then being assessed on merit or impact as normally would be the case with Create NSW. It was a matter of looking at the eligible performances and the number of seats and it was a calculation. Again, it was largely like stage one of restart and refresh. It was done according to a formula.

The \$50 million extension of that, the Performing Arts Relaunch Package, which was announced two weeks ago, is very similar. Guidelines have been developed to support the new \$50 million relaunch package and the new \$25 million festivals package. They have been signed off now and they have been put on the Create NSW website as well. But the key elements of the relaunch package are, as I said earlier to Mr Secord, limiting the total combined amount under both packages to \$12½ million and requiring performances planned for 1 November 2021 to be staged for payments to be made. We have also now included—we can include if it is warranted the State significant organisations to be funded as well, such as the Museum of Contemporary Art and Carriageworks.

I might stop there just in case there are some others. I could also talk about the other elements like Culture Up Late, the money that we are going to give for—

**The ACTING CHAIR:** Minister, would you like to maybe table that detail and we will move on?

**The Hon. DON HARWIN:** I have just read it straight onto the record. There is nothing there that I have not read onto the record so it is not really necessary.

**The Hon. WALT SECORD:** Then you will not mind tabling it.

**The Hon. MARK LATHAM:** Minister, if I can take you to your responsibilities as Minister responsible for Aboriginal affairs.

**The Hon. DON HARWIN:** Yes, certainly.

**The Hon. MARK LATHAM:** Would I be right in saying that, under clause 113 of the National Agreement on Closing the Gap, New South Wales has a responsibility to review and identify current spending on Aboriginal and Torres Strait Islander programs and to identify areas of new priorities and better reallocation of funding?

**The Hon. DON HARWIN:** Absolutely. You are absolutely correct; we have done it.

**The Hon. MARK LATHAM:** You have done it?

**The Hon. DON HARWIN:** Yes, absolutely, but I will let you ask another question.

**The Hon. MARK LATHAM:** How have you done it?

**The Hon. DON HARWIN:** Treasury has done it.

**The Hon. MARK LATHAM:** Right, and when did you receive Treasury's interim *Indigenous Expenditure Report 2021*?

**The Hon. DON HARWIN:** Just give me a minute to just check and see if I have got the actual date. I do not know if I do have that date. I might have to take that part on notice, but I will just have a quick look.

**The Hon. MARK LATHAM:** Would it have been in the second half of August just recently?

**The Hon. DON HARWIN:** That sounds right, but I think it would be better for me to just confirm that either later in the estimates session or on notice.

**The Hon. MARK LATHAM:** Thank you. How did you respond to this observation, criticism, in the Treasury report on page 3? It states:

Indigenous-specific expenditure data has not historically been collected and reported centrally within NSW Government, therefore no stringent reporting frameworks have been established and there is varying capability and limited resources within Clusters and their agencies to report this information.

How is it that after 10 years in government and 2½ years in the portfolio you have not even got a decent reporting system in place?

**The Hon. DON HARWIN:** I was pretty appalled when I read that report, to be frank. Since we put the Closing the Gap process in place, we have quarterly meetings which each of the Ministers in each of the clusters that have responsibility for Aboriginal programs. It was a key theme of the discussions that I had with each of the Ministers at the quarterly meetings, which we held in—remind me, Ms Thomson, were they September or October? Yes, late September.

**The Hon. MARK LATHAM:** When you say you were appalled, were you appalled with your own performance and your failure to put in place these reporting systems anytime in the past 2½ years of your ministry?

**The Hon. DON HARWIN:** No.

**The Hon. MARK LATHAM:** What were you appalled by?

**The Hon. DON HARWIN:** With great respect, as you are well aware, Mr Latham, Aboriginal Affairs NSW is a central agency; it is not a service delivery agency. I expect Aboriginal Affairs NSW to be keeping an eye on what other portfolios are doing and I expect them to be advising me when they think that there is more that needs to be done. I can now advise you that I received the *Indigenous Expenditure Report* on 2 September 2021, just so that you know.

**The Hon. MARK LATHAM:** You did not have a meeting on 24 August?

**The Hon. DON HARWIN:** With whom?

**The Hon. MARK LATHAM:** With the Treasury officials who produced this interim expenditure report?

**The Hon. DON HARWIN:** I will take that question on notice. I have been handed a note by my adviser, as you have seen, saying that I received it on 2 September 2021.

**The Hon. MARK LATHAM:** That is your evidence.

**The Hon. DON HARWIN:** That is the advice I have been given by my adviser.

**The Hon. MARK LATHAM:** If you could check on that?

**The Hon. DON HARWIN:** I am very happy to check it for you.

**The Hon. MARK LATHAM:** Thank you. When you say you were appalled, what were you appalled by?

**The Hon. DON HARWIN:** By the number of programs that did not seem to have a requirement that they be regularly evaluated.

**The Hon. MARK LATHAM:** The report speaks of over \$1 billion of Indigenous-specific programs. How is it after 10 years in government you have only got to the point of being appalled?

**The Hon. DON HARWIN:** With respect, Mr Latham, I became the Minister for Aboriginal Affairs after the last election. While I had my three months away from the portfolio last year, the Closing the Gap process was started. As you have identified, the Closing the Gap process had a requirement for an Indigenous expenditure review. That was started and once it was completed it was presented to me, and I have been acting on its interim findings since I received it.

**The Hon. MARK LATHAM:** Minister, you will note that the report has 50 pages of random programs right across government where there has been no central reporting system to identify their effectiveness in Indigenous affairs. How can that happen? It is an appalling reflection on your predecessors as well, Ministers Mitchell and Williams, isn't it?

**The Hon. DON HARWIN:** I do not wish to make those judgements about my predecessors. I am here to explain what I have done since I received that information, and I am acting on it.

**The Hon. MARK LATHAM:** On page 4 of the Treasury report it states:

With this process unearthing key findings and limitations in collecting data, the NSW Government has decided to publish the initial findings in an Interim Report.

Where is that publication?

**The Hon. DON HARWIN:** I would suggest that you raise that with the Treasurer in Treasury estimates. It is up to Treasury to decide when and in what form it will be published.

**The Hon. MARK LATHAM:** Do you take responsibility for your reporting commitments under the national agreement for Closing the Gap? You have got no idea when this vital information and critique of the Government will be published.

**The Hon. DON HARWIN:** This information has been shared with members of the Joint Council on Closing the Gap, including representatives of the Coalition of Aboriginal Peak Organisations, plus within the Government, and we are acting on it. But when Treasury chooses to put it up on its website is its decision and you should ask them.

**The Hon. MARK LATHAM:** Do you think that should be imminent, given the importance of the report and the importance of closing the gap?

**The Hon. DON HARWIN:** I really do not have anything to add to what I have just said.

**The Hon. MARK LATHAM:** You don't?

**The Hon. DON HARWIN:** I think that Treasury should be the ones that you pursue that with.

**The Hon. MARK LATHAM:** If I can take you to page 7 of the report, it states:

There was also incompleteness and inconsistency in the non-financial data reported to Treasury, including the full alignment of expenditure data to discrete Closing the Gap targets.

Which basically means that this Government has got no idea of how it is spending money to close the gap, has it?

**The Hon. DON HARWIN:** We have got a lot of work to do to make sure that we achieve the objectives of the Closing the Gap agreements. And we in Aboriginal Affairs NSW and all of the members of the Joint Council on Closing the Gap, including the Coalition of Aboriginal Peak Organisations [CAPO], which already conducts a number of programs delivering services on behalf of the New South Wales Government, are very well aware of those findings and what they mean and acting on them to make sure that we effectively work towards the Closing the Gap targets that are in the national agreement.

**The Hon. MARK LATHAM:** I will take you to the top of page 7 on the report. It states:

In reviewing previous efforts to quantify Indigenous-specific expenditure, it became clear that the current NSW Government financial report platform (Prime) does not have capability to attribute government spending to discrete Indigenous-specific programs and services.

Why have you not even got the financial reporting platform in place to meet any possible obligations under Closing the Gap?

**The Hon. DON HARWIN:** Mr Latham, I know that you and I probably have the same view, which is that we welcome the fact that Treasury has done this work and it will enable us to do a better job at more effectively closing the gap in the future.

**The Hon. MARK LATHAM:** When do you expect an adequate financial reporting platform to be in place?

**The Hon. DON HARWIN:** I am not the Treasurer, but I am the Aboriginal Affairs Minister and I am the co-chair of the joint New South Wales council, and I can assure you that it is one of the matters that I and my co-chairs from CAPO will be focusing on.

**The Hon. MARK LATHAM:** Are you treating that as a priority?

**The Hon. DON HARWIN:** Absolutely. Can I tell you that one of the major items of discussion at the most recent meeting of the joint council was the whole issue that you are pointing to now. It is a major priority. And can I say it is, in particular, a major priority for the Aboriginal community-controlled organisations because what they hate more than anything else is Government saying it is spending money helping them but it is not being effective and it is being wasted. And I am at one with them in wanting to stop that.

**The Hon. MARK LATHAM:** Yes, we will come to that in the report. I will take you to page 9 where it states:

Currently, it is very difficult to obtain data specific to Aboriginal people in NSW on a timeseries basis, including the discrete Aboriginal communities. While there are many point in time snapshot reports undertaken by governments and academics, these cannot replicate the granular, regular data collection that the NSW Government usually relies upon for investment decisions.

Is this not just an absolute invitation to wasting money in the space of Indigenous affairs and not actually helping people in desperate need?

**The Hon. DON HARWIN:** Better data is a key priority reform under the Closing the Gap agreement and it is one that Aboriginal Affairs NSW with the Department of Customer Service and other parts of government are focused quite strongly on. If you would like to know a little bit more about what is being done, I am very happy to invite my deputy secretary to outline it in some more detail for you.

**The Hon. MARK LATHAM:** We can take that on notice. We have got limited time.

**The Hon. DON HARWIN:** Okay.

**The Hon. MARK LATHAM:** Would you agree that Indigenous people in New South Wales generally are the most disadvantaged in our entire State in terms of socio-economic outcomes?

**The Hon. DON HARWIN:** I think there is extraordinary disadvantage amongst Aboriginal communities, yes.

**The Hon. MARK LATHAM:** Why is it, in terms of getting—

**The Hon. DON HARWIN:** That is exactly why I think that acting upon some of the findings in the Indigenous Expenditure Report is so important.

**The Hon. MARK LATHAM:** Why then would this report say that you have not got the data collection that you usually rely on for other investment decisions? Why have Indigenous people been treated as second or third rate, not even having the systems in place to judge whether the investment decisions for them are actually getting results?

**The Hon. DON HARWIN:** Mr Latham, I could not agree with you more. It is vital that we have that information and it is part of the emphasis I am putting on making some of those priority reforms to ensure we meet those Closing the Gap targets. I am determined to improve our performance in this area.

**The Hon. WALT SECORD:** In the previous block you mentioned that there were 111 successful applicants under the program.

**The Hon. DON HARWIN:** Sorry, which one? This is the \$75 million, isn't it?

**The Hon. WALT SECORD:** Yes—that there were 111 successful applicants, that *Hamilton* received, as of 26 October, \$10,064,780.

**The Hon. DON HARWIN:** Yes.

**The Hon. WALT SECORD:** Was that the largest single disbursement under the program to a performing arts—

**The Hon. DON HARWIN:** So far, yes, it was.

**The Hon. WALT SECORD:** So far. How much did the production of *Come From Away* receive?

**The Hon. DON HARWIN:** In the case of *Come From Away*, the claim came from Capitol Theatre Management Pty Limited. As I think I explained either in my answer to your question or Mr Borsak's question, the applicant could either be the production company or the venue. In the case of *Come From Away*, Capitol Theatre Management Pty Limited received—I will just actually read out the figures rather than taking a conversational approach because I think that will make it easier for you: \$6,838,509.

**The Hon. WALT SECORD:** \$6.8 million.

**The Hon. DON HARWIN:** Effectively, \$6.8 million, yes.

**The Hon. WALT SECORD:** Was that the second largest under the fund?

**The Hon. DON HARWIN:** Yes, it is.

**The Hon. WALT SECORD:** So 111 were successful applicants. How many organisations applied to the fund in total?

**The Hon. DON HARWIN:** You are either eligible or you are not eligible and every one that is eligible got funded. Put it this way: No one that was eligible was not funded.

**The Hon. WALT SECORD:** If you want to take this on notice, I would like the full list of the 111 successful applicants and I would like the total number of people or organisations that applied and, other than the 111 successful applicants, I would like the individual amount against that.

**The Hon. DON HARWIN:** Yes, we have got that. I am happy to give it to you. But I just wanted to be clear, it is the 111 you want, isn't it? Not the—

**The Hon. PENNY SHARPE:** We are moving on, Minister.

**The Hon. WALT SECORD:** I would like the full list of the 111 successful applicants and the amount, and I would also like the total number of applications including unsuccessful applications.

**The Hon. DON HARWIN:** There were no unsuccessful applications was my point. If you were eligible, you were successful.

**The Hon. WALT SECORD:** Okay, against the amount.

**The Hon. PENNY SHARPE:** Minister, I want to talk to you about Aboriginal heritage impact permits [AHIPs]. At estimates earlier this year for the financial year 2020-21 you indicated that 85 had been approved. Can you tell me how many in total we ended up with in 2020-21?

**The Hon. DON HARWIN:** First of all, it is very important to note that Aboriginal heritage impact permit applications are rarely refused outright. The majority of Aboriginal impact permits are in fact approved with conditions that have been negotiated with the proponent —

**The Hon. PENNY SHARPE:** Sorry, Minister, we will get to that.

**The Hon. DON HARWIN:** —and the Aboriginal community to avoid or mitigate impacts to the Aboriginal cultural values.

**The Hon. PENNY SHARPE:** That is not what I am asking, though. I am asking how many at the end of 2021 there were.

**The Hon. DON HARWIN:** If I did not give that information, with respect, I would not be giving you a proper perspective on that information. So 211 as I understand, as I am advised, were issued in 2020-21 year.

**The Hon. PENNY SHARPE:** Minister, that is a massive increase over the averages since 2016. Over 200 in a year is pretty significant. What is going on in terms of the approvals for these?

**The Hon. DON HARWIN:** Let us be clear. As I just said, the majority of permits have been negotiated with the proponent and the Aboriginal community. They are involved in that and it is done to avoid or mitigate impacts.

**The Hon. PENNY SHARPE:** Yes, I understand that, Minister, but obviously this is a very significant issue within our First Nations communities across the State. There is concern constantly about the loss of cultural heritage, and I will get to some specific ones in a minute. But my point is that, in the last four months of this year, 135 permits to harm, destroy or in some ways change Aboriginal cultural sites were approved. Minister, are you able to tell us how many significant sites have been destroyed under the State significant development provisions, or State significant infrastructure, for 2020-21?

**The Hon. DON HARWIN:** State significant development and State significant infrastructure projects are approved under the Environmental Planning and Assessment [EP&A] Act and are exempt from requiring Aboriginal—

**The Hon. PENNY SHARPE:** That is exactly why I am asking, Minister.

**The Hon. DON HARWIN:** Yes, indeed. However, State significant development and State significant infrastructure are generally required to follow the same Aboriginal cultural heritage assessment and consultation processes as for Aboriginal heritage impact permit applications.

**The Hon. PENNY SHARPE:** If they are generally required, Minister, why are they exempt?

**The Hon. DON HARWIN:** In the 2021-22 financial year, since October—sorry, what was that?

**The Hon. PENNY SHARPE:** Keep going.

**The Hon. DON HARWIN:** Since 8 October 2021 Heritage NSW has received 142 referrals from the Department of Planning, Industry and Environment for comments on Aboriginal cultural heritage matters.

**The Hon. PENNY SHARPE:** Sorry, that was 8 October 2020—is that what you said?

**The Hon. DON HARWIN:** Yes, the 2021-22 financial year.

**The Hon. PENNY SHARPE:** As at 8 October—is that what you are telling me?

**The Hon. DON HARWIN:** I am not sure. We will just clarify that for you. I think it is as at 8 October 2021 when the information—

**The Hon. PENNY SHARPE:** So in the first three months, you have got another 142 referrals outside the AHIP process?

**The Hon. DON HARWIN:** We have had 142 referrals from DPIE.

**The Hon. PENNY SHARPE:** Since when?

**The Hon. DON HARWIN:** In this financial year.

**The Hon. PENNY SHARPE:** Yes. So since 1 July this year.

**The Hon. DON HARWIN:** I would assume that is up to 8 October 2021.

**Ms FOY:** I would assume that is up to 8 October 2021, too.

**The Hon. PENNY SHARPE:** Okay. So within four months you have got 142 referrals for impacts either directly or indirectly on Aboriginal cultural places or objects. That is separate to the AHIP process, just to be clear.

**The Hon. DON HARWIN:** Yes. Because the AHIP process is managed by Heritage NSW.

**The Hon. PENNY SHARPE:** We will get to that, Minister. That is fine.

**The Hon. DON HARWIN:** Whereas the other matters are dealt with by DPIE.

**The Hon. PENNY SHARPE:** But you are getting referrals for consultation, is that what that means?

**The Hon. DON HARWIN:** Yes, when it is State significant development or State significant infrastructure.

**The Hon. PENNY SHARPE:** Sure. Thank you. Can you then tell me how many AHIPs have been approved in that same time frame from 1 July this year to whenever you have got the most recent update?

**The Hon. DON HARWIN:** Sorry, I just was distracted then. Would you mind re-asking it?

**The Hon. PENNY SHARPE:** You have given me the figure for 2020-21, which was 223 Aboriginal Heritage Impact Permits. I want to know the figure from 1 July 2021 until whenever you have printed out your budget estimates folder.

**The Hon. DON HARWIN:** Yes. In the 2021-22 financial year, I assume it as at 8 October 2021—that is not actually how it is written in my note, but that is what I assume it means and that is what my deputy secretary thinks it means—Heritage NSW has received 50 AHIP applications and one Care Agreement application.

**The Hon. PENNY SHARPE:** So just to be clear, Minister—

**The Hon. DON HARWIN:** Forty-six of those have been issued.

**The Hon. PENNY SHARPE:** What has happened with the other four? They are in discussion, is that right?

**The Hon. DON HARWIN:** Well, I would have to see if the deputy secretary can help on that, otherwise I will take it on notice.

**The Hon. PENNY SHARPE:** That is fine. If you could take that on notice, that would be helpful. The point here though is, through the AHIP process we have got record numbers of applications. We had 211 last year. In the first four months this year we have got 50 through that process but almost three times as many through State significant developments, which is 142 referrals. How many of the State significant development issues have been rejected?

**The Hon. DON HARWIN:** Well—

**The Hon. PENNY SHARPE:** Has there been any Aboriginal place or cultural object—

**The Hon. DON HARWIN:** I think that is a question—

**The Hon. PENNY SHARPE:** —that has been saved through this process?

**The Hon. DON HARWIN:** I think that is actually a question you should ask the Minister for Planning and Public Spaces.

**The Hon. PENNY SHARPE:** But, Minister, you just opened up on this. You just said, "Well, actually, through the law we are checking. We are taking a role in relation to this." You have said that you have had 142 referrals, so why can you not tell me how many of them have been approved?

**The Hon. DON HARWIN:** I will take that question on notice for you.

**The Hon. PENNY SHARPE:** Alright, and while you are taking it on notice, what is the role of your department if, basically, State significant development and State significant infrastructure essentially suspends the requirements that would operate through AHIPs? You are telling us that you have some role, but you cannot tell me what that role is.

**The Hon. DON HARWIN:** Well, I can.

**The Hon. PENNY SHARPE:** Are you concerned that through this planning pathway you have got a tripling of destruction of Aboriginal cultural sites and heritage?

**The Hon. DON HARWIN:** Under the EP&A Act, projects can be classified as State significant developments or infrastructure—often referred to as "major projects"—if they are important to the State for economic, environmental or social reasons. Major projects are assessed under division 4.7 of the EP&A Act—

**The Hon. PENNY SHARPE:** Minister, I actually understand that. My questions clearly understand that. My question is to you as the Minister for Aboriginal affairs. Are you concerned that through this planning pathway there are three times more applications to destroy Aboriginal cultural heritage that you do not necessarily get a say into? Are you concerned about that?



**The Hon. DON HARWIN:** There is ongoing consultation with the Heritage Council and Heritage NSW, which provide comments to DPIE at multiple stages of the major project approval pathway. This typically includes the provision of advice on the development of the Secretary's Environmental Assessment Requirements, the proponent's environmental impact assessment and the project's final consent conditions.

**The Hon. PENNY SHARPE:** Minister, I understand all of that. You are going to tell me, of those 142— I would also like the figures from last year, for 2020-21. Are you able to tell me that, through that pathway?

**The Hon. DON HARWIN:** I am not sure if we have that figure.

**The Hon. PENNY SHARPE:** You can take it on notice.

**The Hon. DON HARWIN:** I think we will have to take that on notice.

**The Hon. PENNY SHARPE:** That would be great. Again, I would like the information of how many of those have subsequently been approved. Minister, when are we going to see the next draft of the Aboriginal Cultural Heritage Bill?

**The Hon. DON HARWIN:** Right. Well, this has been a matter that we have been very much focused on throughout this parliamentary term. I have carefully reviewed the draft Aboriginal Cultural Heritage Bill 2018 and I believe it can be improved. I continue to engage directly with key Aboriginal stakeholders, the New South Wales Aboriginal Land Council [NSWALC] and NTSCORP Limited. These groups broadly represent the extensive New South Wales Aboriginal land rights network and native title holders.

**The Hon. PENNY SHARPE:** Minister, you can just read these answers but where is the next draft of the bill? When are we going to see it?

**The Hon. BEN FRANKLIN:** I have to take a point of order there, Mr Chair.

**The Hon. PENNY SHARPE:** This has been going for over a decade.

**The ACTING CHAIR:** Order!

**The Hon. BEN FRANKLIN:** I am sorry, the member did ask a question about what was happening in the broad context of this bill.

**The Hon. PENNY SHARPE:** No, actually I asked when we are going to see the bill.

**The Hon. BEN FRANKLIN:** One moment, I am taking a point of order. The Minister was giving a very clear, very relevant answer to that. I think it is not inappropriate that the Minister be allowed to finish his answer.

**The Hon. PENNY SHARPE:** If it is going to go for half an hour I do not think it is appropriate.

**The Hon. BEN FRANKLIN:** You do not know that.

**The ACTING CHAIR:** Order!

**The Hon. PENNY SHARPE:** Sorry.

**The Hon. DON HARWIN:** Over the past year, I have met with representatives on many occasions and my agency has also been speaking with representatives regularly, in addition to correspondence. On 1 September 2020, I met with the chairs of NSWALC, the Aboriginal Cultural Heritage Advisory Committee and NTSCORP to discuss the progress of the reforms. On 10 December 2020, I met again with the representatives from each of the groups at a workshop on the reforms. Earlier this year, Aboriginal Affairs NSW [AANSW] engaged two highly—

**The Hon. PENNY SHARPE:** Minister, I am very pleased that you have been having meetings. We had a draft bill that was pulled by your Government before the last election, in 2018. We are now three years in. My question is very basic: When are we going to see the next draft of this bill? I am pleased that you have been talking to people, but—

**The Hon. DON HARWIN:** I am happy to let you know that it is at an advanced stage. Obviously, before I am able to release the bill it is required to go through Cabinet processes. It is yet to go through those Cabinet processes. While Cabinet is extremely busy at the moment, with quite full agendas, it is not far off and it is my hope that I will have a bill which can be put out for consultation not long after Christmas.

**The Hon. PENNY SHARPE:** So we will not see it in—okay, not before Christmas.

**The Hon. DON HARWIN:** Alright?

**The Hon. PENNY SHARPE:** Thank you for that. That is fine. Minister, I wanted to ask you, given the pressure in relation to Aboriginal cultural heritage—you have got record numbers of referrals for destruction of Aboriginal cultural heritage through AHIPs and through State significant development—is it the case that you are reducing staff in Heritage NSW?

**The Hon. DON HARWIN:** Staffing is a matter for the—well, first of all, I just want to make it clear that I have staff in AANSW and Heritage NSW who are working on this issue. So it is not just Heritage NSW that is relevant to this particular matter. But staffing matters are handled by the secretary and the deputy secretary. I will invite one of those—whoever prefers to—to respond to you.

**Mr COUTTS-TROTTER:** I might invite my colleague Ms Foy.

**Ms FOY:** Happy to. Thanks, Ms Sharpe. With respect to the cultural heritage reforms, we have a joined-up approach and resources that are allocated from a number of agencies. It is a Department of Premier and Cabinet [DPC] sponsored project, with staff from Aboriginal Affairs, staff from DPIE and staff from Heritage NSW involved in it. I am very pleased with the level of collaboration and cooperation from those agencies to resource the project. We also work with—

**The Hon. PENNY SHARPE:** That is terrific. I just want to know how many staff you are cutting out of Heritage NSW.

**Ms FOY:** We have a restructure on foot. The first point is, we always have to operate efficiently. We have been through, for example, the review of the Heritage Act and there have been made some very salient points around the operation of Heritage. One of those things is to drive an improvement in customer service.

**The Hon. PENNY SHARPE:** That is terrific, Ms Foy. How many staff are being made redundant from or restructured out—however you want to describe it—

**The Hon. BEN FRANKLIN:** Point of order, again.

**The Hon. PENNY SHARPE:** —of Heritage NSW?

**The Hon. BEN FRANKLIN:** I am sorry to interrupt, but as far as I can see the deputy secretary is giving extremely important context into this important issue and it is obviously up to her to answer the question as she wishes. I think she is answering it in a very relevant fashion.

**The Hon. PENNY SHARPE:** Thank you. I know the clock is ticking. That is okay. If you want to take it on notice, that is fine.

**Ms FOY:** I am happy to come back to you by the end of evidence. There is a small number that will change. We went through a voluntary redundancy process in the Department of Premier and Cabinet earlier in the year. Any numbers of people would be those who have put their hand up for a voluntary redundancy—not to suggest that if you did put your hand up you would get one. There were a small number of changes. I will get you a precise number.

**The Hon. PENNY SHARPE:** If you could give me last year's equivalent full time and what next year's EFT will be?

**Ms FOY:** I am happy to do that. I will take that on notice and hand you those numbers. But I do wish to make the point that for Heritage NSW we have heard very clearly from our stakeholders that having a better customer-centred approach to that work is critically important. The second point I would make is the benefit of having both Heritage and Aboriginal Affairs in the Department of Premier and Cabinet is that we can resource activities by joining together our staff and staff resources. So I would not want to suggest that those matters exclusive to Heritage NSW, like AHIPs or the advisory role we play with government agencies, are exclusively the domain of those particular individuals.

**The Hon. PENNY SHARPE:** Thank you. Minister, after a decade, we still have not commenced section 21AA of the Fisheries Management Act 1994. Why is that?

**The Hon. DON HARWIN:** I will take that question on notice.

**The Hon. PENNY SHARPE:** Minister, do you know what I am talking about when I quote that? It is about cultural fishing practices for First Nations people.

**The Hon. DON HARWIN:** Yes, I do, but I will take that question on notice.

**The Hon. PENNY SHARPE:** Have you met with the Minister responsible for fisheries to try to progress this issue?

**The Hon. DON HARWIN:** No.

**The Hon. PENNY SHARPE:** Why not?

**The Hon. DON HARWIN:** As I said, I am taking the question on notice.

**The Hon. PENNY SHARPE:** Thank you.

**The Hon. DON HARWIN:** Actually, I may be able to help. If you want, I will come back later to the issue. Maybe we will leave it for later and start with Cate.

**The ACTING CHAIR:** We might just leave it for the moment, Minister.

**Ms CATE FAEHRMANN:** Good morning, Minister. I heard you answering the questions before in relation to the support packages for arts organisations that your Government has been putting out, which is great. I want to move to grants for individual artists. What has been done for individual artists who are not part of arts organisations—so individual artists that are not venues?

**The Hon. DON HARWIN:** Who are part of organisations or who are not part of organisations?

**Ms CATE FAEHRMANN:** No, they are just individual artists.

**The Hon. DON HARWIN:** We have had measures in both stages of Rescue, both last year and this year—particularly last year, I should say—that were targeting individuals. In particular, there was \$300,000 that was put aside for COVID development grants that went to independent artists. There was also \$600,000 in Small Project Grants, which were quick response grants, i.e. dealt with by Create NSW on a very fast turnaround.

**Ms CATE FAEHRMANN:** Sorry, the first one was \$500,000 and the second one was \$600,000?

**The Hon. DON HARWIN:** No, the first one was \$300,000; the second one was \$600,000. I might also say this year, in particular, we are currently at a very advanced stage in terms of our arts and culture funding program round one for 2021-22. We have taken a deliberate decision to increase, beyond what we would normally do, the number of projects that are being allocated to individuals, so that we can meet that need as well. The exact amount that will go into that I cannot tell you today, because Create is literally working on that as we speak. We are not far off being able to announce that. We will probably have that figure for you and announce the successful applicants and the amount within two weeks—maybe three at the outside.

**Ms CATE FAEHRMANN:** Thank you. I understand that with the first \$300,000, artists could apply to receive grants of up to \$5,000. Is that correct?

**The Hon. DON HARWIN:** Yes. I think it was \$10,000.

**Ms CATE FAEHRMANN:** Okay. I have *The Sydney Morning Herald* article here that says artists can apply to receive grants of up to \$5,000, and companies up to \$10,000.

**The Hon. DON HARWIN:** Yes, that is correct.

**Ms CATE FAEHRMANN:** Was the second lot of \$600,000 similar in terms of the maximum that artists could apply for? Could the same individual go into both pools? The point I am getting at here is, overall—

**The Hon. DON HARWIN:** Unfortunately, because of COVID, whereas once I could literally turn around and have a conversation with my adviser, I cannot do that right now.

**Ms CATE FAEHRMANN:** I can have a conversation with him too, in this situation.

**The Hon. DON HARWIN:** I do not have that granularity in the note in front of me. What I am going to suggest is—we put, I think, 15 minutes aside at the end to add—

**The Hon. BEN FRANKLIN:** For Government questions, Minister.

**The Hon. DON HARWIN:** For Government questions, but if there are no Government questions then I will just get a note written so that we can answer for you at that point.

**Ms CATE FAEHRMANN:** Thank you. The point of the question was just to work out the level of support, particularly when JobKeeper was no longer available, as well as the number of creative workers and artists who were not able to access funding and the overall amount that they could access from this Government.

**The Hon. DON HARWIN:** Let us be clear. Individual projects in the performing arts could still be funded out of this year's performing arts package. I mentioned those two schemes, but it has been possible for individuals to be funded out of the \$125 million that is allocated. They are eligible, if they are in the performing arts, to be funded out of that as well.

**Ms CATE FAEHRMANN:** Yes, thank you.

**The Hon. DON HARWIN:** And really, honestly, it is in particular the performing arts that is worst hit by COVID.

**Ms CATE FAEHRMANN:** Has Create NSW put on more staff since the outbreak, to cope with what I would imagine is a huge demand on your services?

**The Hon. DON HARWIN:** I just wanted to say that COVID certainly has belted the arts sector, and the Create NSW staff have been magnificent in responding to the sector's needs. I did want to pay tribute to the director, Chris Keely; to Sue Procter, who deals with most of the financial side of it; and also to the team led by Dr Rebecca Dean, who have been handling the public health orders. They have been truly magnificent. But given that it is a staffing matter, I would like to invite the deputy secretary to respond.

**Ms FOY:** Thank you, Minister. Thanks, Ms Faehrmann. A couple of comments there: We have that core team. Create, like Heritage, is part of the Department of Premier and Cabinet, so we do make sure that the resources available in government are there to support these activities. For the COVID support package, we have fantastic support from Treasury and also from the Department of Premier and Cabinet finance team to support the core work that Create is doing. We have done a couple of things. We have brought on some additional resources into, particularly, the team doing the financial assessment. Where we have any contractors in place, we have ensured that those contracts are extended so that we can cope with the demands of supporting the arts sector through COVID.

**Ms CATE FAEHRMANN:** When you say you brought additional resources in, you mean people.

**Ms FOY:** Yes, people.

**Ms CATE FAEHRMANN:** How many additional people have you had to employ, for example, to process grants and to receive those phone calls? We have also heard that, particularly at the start of the outbreak, it was sometimes incredibly difficult for them to speak to the right person.

**Ms FOY:** Correct. There are probably a couple of things. I will come back to you with the number; it is a small number. But we also have to work with the budgets that we have, obviously. COVID and the response to COVID became the top priority for the organisation. Where it was appropriate, people were reallocated to support that particular work. Certainly, the people that the Minister has pointed out—everyone was absolutely fantastic in supporting the sector. I know that in previous estimates and inquiries we got direct feedback that we could do better in terms of providing direct and immediate communication, so we lifted on that. We continue to hold a number of forums and sessions. But, again, it is reallocating and making sure that the executives in the agency and their staff are aware that this is a particular priority.

**Ms CATE FAEHRMANN:** There was a review into Hunter arts. This is basically about mental health in the sector and the impacts of COVID on mental health in the sector. Minister, have you liaised with the mental health Minister—

**The Hon. DON HARWIN:** Can I just first correct something from earlier? Then I will get you to repeat the question if that is all right.

**Ms CATE FAEHRMANN:** Yes, sure. That might give me time to find this document.

**The Hon. DON HARWIN:** In fact, the COVID Development Grants was \$500,000, not \$300,000.

**Ms CATE FAEHRMANN:** Okay.

**The Hon. DON HARWIN:** Apologies, Ms Faehrmann, would you mind re-asking your question?

**Ms CATE FAEHRMANN:** Just in terms of the massive impact COVID has had on a lot of people's mental health, the arts community in particular—research has shown that lots of people have suffered mental health impacts. Minister, have you met with your colleague the Hon. Bronnie Taylor to discuss support packages that are particularly targeted to the arts sector? Is there anything that the Government is doing in this regard?

**The Hon. DON HARWIN:** I have not had a specific meeting with the Hon. Bronnie Taylor about it, but I will take on notice and get back to you an answer on what we have been doing.

**Ms CATE FAEHRMANN:** Can we turn to the—I will come back to it.

**The Hon. DON HARWIN:** Mr Acting Chair, with your permission—at the moment I am suffering badly from hayfever so I am drinking a lot of water and I will ask for a short break.

**The Hon. PENNY SHARPE:** I do have some Zyrtec upstairs if you need some, Minister.

**The Hon. DON HARWIN:** I will try to be as quick as I can.

**The Hon. BEN FRANKLIN:** Minister, sorry, just one moment. Mr Acting Chair, is it worth then bringing the official break forward to now?

**The ACTING CHAIR:** That was what I was going to say. Let us recommence at five past 11. We will have a 15-minute break now.

**The Hon. DON HARWIN:** Thank you very much.

**(Short adjournment)**

**The ACTING CHAIR:** We are back on air. Mr Latham?

**The Hon. MARK LATHAM:** Thank you, Chair. Minister, in your time in the Aboriginal portfolio which severely disadvantaged Indigenous communities have you visited?

**The Hon. DON HARWIN:** Several, actually. I have been to quite a few of the discrete communities that are receiving Roads to Home funding from Minister Pavey's portfolio. But in particular I have been to Walgett, to Brewarrina, to Goodooga, to Bourke. I remember them well because I visited some of those on more than one occasion. I have also been to Wallaga Lake—well, actually to the cultural centre at Wallaga Lake. I think I should qualify that. There are probably others but I cannot remember them all at the moment.

**The Hon. MARK LATHAM:** Yes. Once visited, they are impossible to forget. In your observations there and more generally looking at various studies that have been made, do you agree with the proposition in Indigenous affairs that putting disadvantaged people in a disadvantaged place magnifies the extent of the socio-economic disadvantage?

**The Hon. DON HARWIN:** I would have to think about that a bit more. I am certainly not going to reject it, but I do not know that I have reflected enough on that issue myself to make a judgement.

**The Hon. MARK LATHAM:** I take you to page 19 of the Treasury document on Closing the Gap. It reads as follows:

Of the \$1.1 billion of Indigenous-specific expenditure identified in this Report only \$302 million or 27.0 per cent has been broken down geographically.

Minister, isn't it a problem that in 73 per cent of the expenditure areas we do not know what the local impact is, denying government the chance to see if it has been coordinated and place-managed the right way, and that health, employment and education are all pulling in the one direction? Isn't this another major system failure that needs to be corrected?

**The Hon. DON HARWIN:** Yes, I agree with you. It is. That is something that I have specifically asked AANSW and the delivery agencies to address and that is one of the key focuses of the data projects. Would you like the deputy secretary to speak to that?

**The Hon. MARK LATHAM:** I think if we can take on notice—I would believe this warrants a ministerial statement in the House, but I think at some stage we need to get a timetable for when all these system failures will be corrected: the financial data platform, reporting, the evaluation systems, the local impacts, the Indigenous involvement that is critiqued in this document. Is there a consolidated timetable by which you can tell us how it is going to be fixed?

**The Hon. DON HARWIN:** Well, I can give you an immediate response, which is that Closing the Gap, as well as of course having the joint council, also has a partnership working group of heads and then officer level working groups. They are literally today, yesterday—Ms Foy?

**Ms FOY:** The day before yesterday.

**The Hon. DON HARWIN:** The day before yesterday, yesterday and—

**Ms FOY:** I believe today.

**The Hon. DON HARWIN:** —and I believe today they are having a prioritisation workshop to literally go through what they suggest should be in the budget bids for Closing the Gap for the 2022-23 allocation in the budget. These very issues are being discussed at that prioritisation workshop.

**The Hon. MARK LATHAM:** It is good they are having a workshop. But, Minister, the Treasury report does not indicate a lack of budget bids or budget financing of these programs. It points to systemic failure in financial reporting, evaluation, local impact assessment.

**The Hon. DON HARWIN:** Precisely, which is exactly—

**The Hon. MARK LATHAM:** And for the most disadvantaged community in New South Wales we are not getting the best use of public money to sole people who live in absolute circumstances of squalor you would not inflict upon your worst enemy. Shouldn't this be a supreme priority and should have been from day one of this Government?

**The Hon. DON HARWIN:** That could be said of every New South Wales government since Federation, frankly, but I can tell you this: In terms of those specific issues you raise, I agree with you. They need to be addressed and that is why, when I addressed the prioritisation workshop on Wednesday to say, "This is what you need to do," I told them to be bold and to be brave and to be focusing on these exact sorts of issues so that we can actually change the dial and that we can make—unlike what happened during the last Closing the Gap process—far more effective and meaningful progress towards achieving those targets than what happened in the past. That will only be done if we stop doing business as usual. The people—trust me—who believe that more than anything else is the Aboriginal community themselves. The Coalition of Aboriginal Peak Organisations is absolutely committed to that and I support it and its aspirations, and I am endeavouring to make sure that Government responds as well.

**The Hon. MARK LATHAM:** Workshops aside, is there a consolidated timetable document on when all of these problems are going to be fixed?

**The Hon. DON HARWIN:** With great respect, do not dismiss it because it is just a workshop.

**The Hon. MARK LATHAM:** I am not dismissing anything; I am disgusted that this has happened or failed to happen. I am not dismissing anything. I am asking for a timetable document that points to the proper public assessment, reporting, evaluation and local impacts that can actually do something meaningful—without wasting money—to close the gap. Is there a timetable document that sets out when these system failures will be corrected?

**The Hon. DON HARWIN:** It is my expectation that the Officer-level Working Groups through the prioritisation workshop will come up with that sort of a plan for Cabinet and its committees to consider for the 2022-23 budget.

**The Hon. MARK LATHAM:** Is this the top priority in all your ministerial work? You have mentioned this is a problem since Federation, and I would love to interrogate Wran and Lang and Carr about it but I can only interrogate you.

**The Hon. DON HARWIN:** No, that is alright.

**The Hon. MARK LATHAM:** Why have you not made it the priority to get it done by now? Are you too busy in the Arts or the electoral redistribution?

**The Hon. DON HARWIN:** That is just not worthy of you, Mark. It really is not. It really is not worthy of you.

**The Hon. MARK LATHAM:** It is. I am speaking on behalf of people who needed help from this Government. You are the responsible Minister and these are absolute system failures which in normal circumstances would lead to the Minister resigning as a matter of honour.

**The Hon. DON HARWIN:** Would you like to ask a question or just make a speech?

**The Hon. MARK LATHAM:** Yes.

**The Hon. DON HARWIN:** Because really, honestly, you are largely just making speeches, Mark.

**The Hon. MARK LATHAM:** I am asking: Are you too busy in your other portfolio responsibilities like Arts and electoral redistribution to give this the priority it deserves?

**The Hon. BEN FRANKLIN:** Point of order: I am loathe to interrupt. I understand the important point that Mr Latham is making about this issue, but I think it is important that witnesses are treated with respect and I do think that he has just gone over the line.

**The Hon. MARK LATHAM:** I am asking: Is there enough time allocated by the Minister to solve this problem?

**The Hon. DON HARWIN:** Absolutely. It is my top—

**The Hon. MARK LATHAM:** Because it has been festering for 2½ years on his watch.

**The Hon. DON HARWIN:** Again, now you are just making a speech rather than letting me answer.

**The Hon. MARK LATHAM:** No, I am asking you a question. You seem to interrupt my questions half way through. I can finish my question and then you can answer, please.

**The Hon. DON HARWIN:** Just making sure you are finished. Right. Good. First of all, Closing the Gap is absolutely my top focus as Minister for Aboriginal affairs.

**The Hon. MARK LATHAM:** Page 19 of the report states, "Many First Nations—

**The Hon. DON HARWIN:** I would like to just make one comment. No, I will let you ask your question.

**The Hon. MARK LATHAM:** Page 19 of the Treasury document states:

... many First Nations stakeholders expressed concerns that they do not know what programs or services are available to their communities and more often than not, were not involved in their design, implementation or evaluation.

After 10 years in government, Minister, how can this possibly be the case?

**The Hon. DON HARWIN:** I do not think this is a problem that is limited to this Government. But I tell you what, through this Closing the Gap process and through the work that I am going to undertake as Aboriginal affairs Minister and co-chair of the joint New South Wales council, I am determined to end it.

**The Hon. MARK LATHAM:** Will that include addressing the problem on page 20 of the document, which states:

In developing this Report, it became evident there is currently no central government oversight or enforcement of program evaluations.

There is no central government oversight in this critical area of social equity and fairness and some would say restitution of Indigenous communities and their opportunities in life. This Government has had no oversight or enforcement of program evaluations?

**The Hon. DON HARWIN:** I think it is incumbent upon central agencies to make sure they are doing that. Aboriginal Affairs NSW is certainly going to be doing that, and I believe Treasury needs to be doing it as well and are focused on it.

**The Hon. MARK LATHAM:** How many times have you spoken to the Treasurer about Treasury doing that?

**The Hon. DON HARWIN:** I have certainly had a conversation with the new Treasurer about the importance of increasing evaluations because I do not believe we are getting effective results from the money we expend on Aboriginal programs. It was, in fact, the very first conversation I had with Matt Kean after he was appointed Treasurer, and Matt Kean is committed to doing—I was about to say he was keen to do something about it—something about it as well because he is interested in this area of policy.

**The Hon. MARK LATHAM:** He was sworn in a month ago. What about the other 2½ years of raising it with the Treasurer or the Premier of the day to make this the priority that you claim in your own ministry?

**The Hon. DON HARWIN:** I think the reality is that the Premier, when he was Treasurer, insisted that Treasury do this work. He and the deputy secretary—

**Mr COUTTS-TROTTER:** San Midha.

**The Hon. DON HARWIN:** San Midha. San is really pleased the work has been done and thinks it will be a big step forward in terms of pursuing some of the objectives that you have been referring to in your questions.

**The Hon. MARK LATHAM:** Can I just finish up on this subject by saying, if the work has been done, why does the report say that 55 per cent of the Indigenous programs are not being evaluated?

**The Hon. DON HARWIN:** No, the work that has been done that I was referring to is the completion of the report. The particular statistic that you mentioned I have spoken about extensively in the answers I have already given you. I think raising the percentage of programs that are evaluated is absolutely essential and I think, as I gave you in answer to your very first question, I have made that point to all of my ministerial colleagues who have Aboriginal programs who I have met with and very forcefully to their secretaries and deputy secretaries, including I might say to Mr Coutts-Trotter in his previous role where I took issue with some of the evaluation work that had been done in his former cluster but I was delighted to hear from him that in fact it was a little better than we thought—in fact, a lot better than we thought. There it is.

**The ACTING CHAIR:** Mr Field.

**Mr JUSTIN FIELD:** Thank you, Chair.

**The Hon. DON HARWIN:** Justin, welcome. Where are you? There you are. Are you at home, Justin?

**Mr JUSTIN FIELD:** My work office. Of course I am home, Minister.

**The Hon. DON HARWIN:** Of course. No, I was just saying it would be lovely to be down on the South Coast right now. But, anyway, there you go.

**Mr JUSTIN FIELD:** I would prefer not to be talking to you to be honest, Minister, but while I have got you, I would like to talk about a local matter—that being the East Culburra development, which I know you know about and I appreciate you making your agency available to talk to me about this matter in the past. I was hoping for an update, if I could, and then I have some specific questions.

**The Hon. DON HARWIN:** For an update, okay. You would recall that the AHIP was issued back on 10 December 2020 for a 14-lot residential subdivision at East Crescent, Culburra, following consultation with the local Aboriginal community, including Jerrinja Local Aboriginal Land Council [LALC]. The permit was issued to the proponent, Sealark, with a number of conditions. One of those conditions required archaeological salvage excavation before the start of construction. Those excavations commenced at the beginning of this year. I can advise as an update that the excavations are approximately 50 per cent complete and we have some preliminary results. The preliminary salvage excavation results indicate the area may be more significant than originally believed.

The Jerrinja LALC has raised concerns about the high number of stone artefacts and potential hearth features that have been identified and, as you know, they wrote to me on 17 May requesting that the permit be revoked. As you also know, the AHIP holder—the proponent—has voluntarily paused all work on site until the result of investigations to date have been considered by the registered Aboriginal parties, including the Jerrinja LALC, and until Heritage NSW has made a decision on the request to revoke or amend the AHIP. Heritage NSW received a draft interim report on the investigations on 7 October 2021. Heritage NSW is conducting a readability and accessibility check on the report before it is provided to the registered Aboriginal parties. I think, when I refer to readability, that is effectively to de-jargonise it so that it is a more accessible document.

I understand that the draft report is likely to be provided to the registered Aboriginal parties by the proponent shortly. At least 28 days will be provided to the registered Aboriginal parties for their review and comment on the draft report. The preliminary reports indicate that the Culburra site is an extensive stone artefact scatter site, which is approximately 5,000 years old, and extends across the approved development footprint. What were previously thought to be potential hearth features have been shown to be natural storm deposits of pumice. I acknowledge the concerns raised by the Jerrinja LALC and can advise that Heritage NSW will continue to work with them to explore opportunities for improved Aboriginal cultural heritage outcomes for the site. And of course, as we have been, we will be keeping you informed of any major developments.

**Mr JUSTIN FIELD:** Minister, just on that claim by you or that indication by you—and I appreciate that is a prepared note—that those hearths were potentially something else. That is information that is not yet available to the registered Aboriginal parties. I assume that is contained in this additional study work that has been done and that is currently being de-jargonised. I am just wondering why—this is a contentious issue. The Aboriginal parties have asked that the AHIP be revoked. It has pushed off to this additional study and some of this information seems to be being dribbled out there that might go to lessen the arguments in support of—

**The Hon. DON HARWIN:** Justin, with great respect, that was not my intention. I was just trying to be helpful to you. I see what you say. I will be mindful of that and I will raise that concern that you have expressed with Heritage NSW to see what we can do about it but also to make sure that it is finalised as expeditiously as I can so they get that report. I believe it is not far off.

**Mr JUSTIN FIELD:** I appreciate it is not your intent and it is a prepared note, Minister, but also at the end of your statement there you suggested that Heritage NSW would work with the registered Aboriginal parties to improve cultural heritage outcomes. It seems as if you are setting up the circumstances for development to go ahead but will look for some other ways to preserve heritage in the area. Their request is quite clear. They want the AHIP revoked. You have identified and recognised the significance of the site yourself; the initial diggings have too. This goes back to the questions raised by Ms Sharpe. Is this just going to be another instance where we document the destruction of a significant site?

**The Hon. DON HARWIN:** No, I am sorry if you have received that impression, Justin. That was not my intention and I can assure you that Heritage NSW is going to consider the matter very carefully and make a decision as to whether or not the AHIP should be revoked.



**Mr JUSTIN FIELD:** What does that process look like, Minister? I am wondering how they actually weigh up the competing interests here. Have we had a situation where an AHIP has been revoked in New South Wales?

**The Hon. DON HARWIN:** I will have to take that on notice, but I can let you know that the consultation period will run for 28 days and during the consultation period the Heritage consultants will meet with the land council to present the draft report and answer any questions. A final report will be compiled and will include any comments received from the registered Aboriginal parties. Heritage NSW is compiling a revised assessment based on the information available to date. The final report and results of consultation will be included in the revised assessment to inform decision-making on whether to revoke the permit or to recommence works.

**Mr JUSTIN FIELD:** Minister, 28 days—it has taken quite a few months for this additional study to be done. It is a technical document, I understand, and I appreciate it is being simplified in its language and de-jargonised, but is any additional support available to the Jerrinja to review and understand? Do they get support to get their own technical experts to have a look at this report? There has been a COVID scare down there in recent times. There is a bit of stress in the community. I just want to make adequate time—we are coming into the Christmas period as well—needed to fully consider the implications of this report.

**The Hon. DON HARWIN:** Just for the benefit of the other members of the Committee who are not as familiar with the project, it is important to remember that work on East Crescent Culburra is currently paused. This is a voluntary pause by the permit holder, Sealark Pty Limited, and there is no construction work that is taking place on the site at the moment. The archaeological site has been stabilised and secured in consultation with the LALC. In terms of some of the additional support matters that you have raised, I think that they are valid. I am going to ask the deputy secretary whether she has got anything she can advise in terms of possible support that might be available, but if she does not we will be happy to reply on notice.

**Ms FOY:** I understand that the Local Aboriginal Land Council has both legal and heritage consultant support. Heritage NSW is liaising with those expert advisers. If there are any additional things that wish to be brought to my attention, I am more than happy to have a conversation about those requirements.

**Mr JUSTIN FIELD:** Minister, I have one last one, if I could. The Independent Planning Commission appears to have reached an agreement with Sealark on the West Culburra development that was announced this week. I think it is scheduled to be ratified by the Land and Environment Court today. It is a very disappointing outcome for the community down there and the Jerrinja feel like they have just lost one of these battles just today. Losing another one would be quite devastating. So can I just suggest that we have got this building impact on our cultural heritage from development down there and I wonder how those sorts of cumulative impacts are factored into AHIP decisions?

**The Hon. DON HARWIN:** I think I best take that question on notice, Justin. It is not one I am able to help you with right now.

**The Hon. DANIEL MOOKHEY:** Greetings, Minister. It is nice to see you. Greetings to you as well, Ms Foy. It is always nice to see you. Congratulations, Mr Secretary, on your new appointment.

**Mr COUTTS-TROTTER:** Thanks, Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Greetings to the officials who are online as well. Minister, I am just going to direct questions to you at first instance but feel free to delegate them—I think you might need to—to whoever you see fit. It is the case, is it not, that the Premier is the employer of all departmental secretaries under the Government Sector Employment Act?

**The Hon. DON HARWIN:** Yes.

**The Hon. DANIEL MOOKHEY:** The Premier has issued an instrument of delegation to the Secretary of the Department of Premier and Cabinet. That is correct?

**The Hon. DON HARWIN:** Yes.

**Mr COUTTS-TROTTER:** Yes.

**The Hon. DANIEL MOOKHEY:** That is of continuing effect? And there have been no changes to that delegation throughout this year?

**Mr COUTTS-TROTTER:** No.

**The Hon. DON HARWIN:** I think it might be just appropriate that I let the departmental secretary at this stage answer the questions.

**The Hon. DANIEL MOOKHEY:** Please. That might be more efficient too.

**The Hon. DON HARWIN:** But I will reserve the right to intervene if appropriate.

**The Hon. DANIEL MOOKHEY:** Of course, Minister. And I will respect that. The question to you then, Mr Secretary, is that that resolution has been of continuing effect all year, uninterrupted?

**Mr COUTTS-TROTTER:** It is my understanding that that is the case, Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Does that apply to all agencies' heads across the public sector? Are you their direct employer?

**Mr COUTTS-TROTTER:** Former Premier Baird delegated to my role the function of managing the employment and terminating the employment of the secretary of a department.

**The Hon. DANIEL MOOKHEY:** I am talking about agency heads, though.

**Mr COUTTS-TROTTER:** Agency heads. I need to check on that for you, I am afraid.

**The Hon. DANIEL MOOKHEY:** Are you the employer of all agency heads of all agencies within the DPC cluster?

**Mr COUTTS-TROTTER:** No. There are independent integrity agencies inside the DPC cluster.

**The Hon. DANIEL MOOKHEY:** Aside from the independent agencies—

**The Hon. DON HARWIN:** And in terms of, for example, the State cultural institutions, the departmental secretary is not their employer because they are executive agencies.

**The Hon. DANIEL MOOKHEY:** Are you the employer of the head of Investment NSW?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. DANIEL MOOKHEY:** Are you the employer of the head of the Western Parkland City Authority?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. DANIEL MOOKHEY:** Do all DPC policies apply to them?

**Mr COUTTS-TROTTER:** I would need to confirm that for you. I do not know.

**The Hon. DANIEL MOOKHEY:** Are they subject to all DPC policies and their own policies?

**Mr COUTTS-TROTTER:** I am sorry, could you repeat that?

**The Hon. DANIEL MOOKHEY:** Are they subject to all DPC policies and to the policies of their own agency?

**Mr COUTTS-TROTTER:** I would need to check that for you, Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Fair enough. What is the complaints process that applies to an agency head who is in the DPC cluster?

**Mr COUTTS-TROTTER:** I will take that on notice, because I am a new arrival, so I do not want to misadvise you.

**The Hon. DANIEL MOOKHEY:** Does Ms Foy or Mr Heuston know?

**Ms FOY:** Not with respect to those agencies, no.

**Mr COUTTS-TROTTER:** The basic principle would be a complaint against an agency head should not be dealt with within the agency. It should be dealt with outside the agency.

**The Hon. DANIEL MOOKHEY:** When you say it is a basic principle, is that effected in policy, can we infer?

**Mr COUTTS-TROTTER:** I would need to check that for you.

**The Hon. DANIEL MOOKHEY:** How does a person inside those organisations contact DPC to make a complaint?

**Mr COUTTS-TROTTER:** Well, a complaint may be raised within the agency, but it would be appropriate for the agency to have the management of that complaint overseen outside the agency if it is a

complaint about the agency head in order for people to have confidence in the impartiality with which the complaint is dealt with.

**The Hon. DANIEL MOOKHEY:** You said it is appropriate, but can I just infer that is the policy until otherwise corrected?

**Mr COUTTS-TROTTER:** I do not have complete confidence that you can. I need to check that.

**The Hon. DANIEL MOOKHEY:** Sure. So it is okay for a person to make a complaint within their agency and then it is the agency's responsibility to notify DPC?

**Mr COUTTS-TROTTER:** I will check what arrangements are in place within this cluster. I do not know.

**The Hon. DANIEL MOOKHEY:** To you, or to Ms Foy, or to Mr Heuston, to whom would such a notification be made within DPC?

**Ms FOY:** Again, that is not in my area of responsibility.

**Mr COUTTS-TROTTER:** I will invite Mr Heuston, if he has a response that is useful, to come in.

**Mr HEUSTON:** Thank you for the question. The nature of how it might be progressed will depend on the nature of the complaint. But if someone has a grievance, normally in the first instance they would raise their concerns with the immediate manager. I am not familiar with the specific arrangements in place in different agencies within the DPC cluster, but essentially [inaudible].

**The Hon. DANIEL MOOKHEY:** I appreciate that, Mr Heuston. But, Mr Coutts-Trotter, you said that there would be an obligation for an agency or an expectation that they would notify DPC. How would they do that? Do they call you? Do they write to you?

**Mr COUTTS-TROTTER:** Usually through the human resources lead, typically. That is my experience in other clusters.

**The Hon. DANIEL MOOKHEY:** What policy applies to any investigation that is undertaken?

**Mr COUTTS-TROTTER:** I will find out for you.

**The Hon. DANIEL MOOKHEY:** What rights are provided to the complainant and what information is provided to a complainant by DPC when an agency head is being investigated by DPC?

**Mr COUTTS-TROTTER:** Generally, complainants should be kept informed of the progress of an investigation, but there are subtle judgements that need to be made about who is told what during the course of an investigation. But then once the investigation is concluded, you should provide information to the complainants about the result of that investigation.

**The Hon. DANIEL MOOKHEY:** Would you be notified, Mr Secretary, if a complaint is made about an agency head in your cluster?

**Mr COUTTS-TROTTER:** Well, it would be my expectation that I would be, yes.

**The Hon. DANIEL MOOKHEY:** Would you notify the Premier?

**Mr COUTTS-TROTTER:** It depends.

**The Hon. DANIEL MOOKHEY:** But do you have discretion or are you obliged?

**Mr COUTTS-TROTTER:** I need to check that. I think I would have discretion.

**The Hon. DANIEL MOOKHEY:** Do you have an obligation to notify the Minister of the relevant agency head?

**Mr COUTTS-TROTTER:** I think you would apply judgement to that.

**The Hon. DANIEL MOOKHEY:** But you have discretion?

**Mr COUTTS-TROTTER:** I would imagine so, yes.

**The Hon. DANIEL MOOKHEY:** Would you be responsible for notifying the board of the organisation if such a complaint had been received?

**Mr COUTTS-TROTTER:** Well, boards come in various forms. I think I know the organisation you are talking about. The board is an advisory rather than the governing board, in my understanding. It would be a matter of judgement.

**The Hon. DANIEL MOOKHEY:** In respect to the outcome of an investigation, would you be obliged to report to the Premier, the Minister and the board, or is that also a matter of discretion?

**Mr COUTTS-TROTTER:** It would be a matter of discretion and judgement.

**The Hon. DANIEL MOOKHEY:** As the employer of the head of Investment NSW and the head of the Western Parkland City Authority, how often does the Secretary of DPC meet with them?

**Mr COUTTS-TROTTER:** I am planning to meet with those people probably every two to three weeks.

**The Hon. DANIEL MOOKHEY:** So they are effectively your direct reports. Do you accept that?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. DANIEL MOOKHEY:** And you would carry out all the functions of an employer that would ordinarily be expected under the Act, I presume?

**Mr COUTTS-TROTTER:** I will double-check, Mr Mookhey. But I think so, yes.

**The Hon. DANIEL MOOKHEY:** Thank you very much. Did DPC, earlier this year, receive notifications of complaints from the Western Parkland City Authority about the conduct of its CEO?

**Mr COUTTS-TROTTER:** I would need to check that for you. I do not know.

**The Hon. DANIEL MOOKHEY:** Can I ask that to either Mr Heuston or anyone else who might have that information?

**Mr COUTTS-TROTTER:** Yes, of course.

**Ms FOY:** I would not be aware.

**Mr HEUSTON:** I have no knowledge of that.

**The Hon. DANIEL MOOKHEY:** Is anyone from DPC aware whether or not DPC was notified by the Western Parkland City Authority that complaints had been received about the CEO?

**The Hon. DON HARWIN:** I would make this point to you, Daniel. They are not part of my ministerial remit and the officials of DPC that are on this call, other than Mr Coutts-Trotter, are all in support of my portfolios, not Investment NSW or Western Parkland City Authority, which are not within my portfolio.

**The Hon. DANIEL MOOKHEY:** Minister, but you are responsible for the Government Sector Employment Act, are you not?

**The Hon. DON HARWIN:** Yes. But that is responsibility for the Act.

**The Hon. DANIEL MOOKHEY:** That provides—

**The Hon. DON HARWIN:** That does not mean that I have specific duties in relation to all of those particular agencies.

**The Hon. DANIEL MOOKHEY:** No, granted. But insofar as you are making a point as to whether or not this question is relevant, it is the case, is it not, that the conduct that is expected of the senior Executive is provided for in that Act?

**The Hon. DON HARWIN:** Yes, it is.

**The Hon. DANIEL MOOKHEY:** Therefore, questions can be directed about whether that Act is being complied with?

**The Hon. DON HARWIN:** No, I was not—please understand me. I was not making that point to say your questions were out of order. I would have happily taken a point of order—

**The Hon. DANIEL MOOKHEY:** I am sure you would have.

**The Hon. DON HARWIN:** —if I had thought they were out of order.

**The Hon. PENNY SHARPE:** Except you are not allowed to take a point of order, Minister.

**The Hon. DANIEL MOOKHEY:** You are not allowed to.

**The Hon. BEN FRANKLIN:** I clearly would have taken a point of order.

**The Hon. PENNY SHARPE:** You need to rev these guys up. You need to wake these people up.

**The Hon. DON HARWIN:** I am just simply making the point that, other than the secretary, people are not—and of course the Public Service Commissioner, who is also on the line—there are not necessarily people on this call who can help you with questions about another ministerial portfolio.

**Mr COUTTS-TROTTER:** I made a few phone calls this morning, as you can imagine, ahead of this estimates. The Western Parkland City Authority moved into the DPC cluster from the Treasury cluster. I think when the authority became aware of allegations against its CEO, out of habit it contacted the Treasury, through the Treasury human resources lead, and not DPC. So I think the first point of contact was to the Treasury.

**The Hon. DANIEL MOOKHEY:** Thank you, Mr Secretary, that is very helpful. Did that take place in June of this year?

**Mr COUTTS-TROTTER:** I would need to check that for you, Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Did that follow three complaints being made about the conduct of the chief executive?

**Mr COUTTS-TROTTER:** There were three email complaints about the conduct of the chief executive of the authority, which were investigated and which were found to be not substantiated. I think it is pretty unfair on her to continue to chew away at something that, in my view, has been appropriately and independently investigated.

**The Hon. DANIEL MOOKHEY:** I appreciate that, Secretary, but two days ago she was telling me to refer all these questions to you—so here I am.

**Mr COUTTS-TROTTER:** Terrific.

**The Hon. DANIEL MOOKHEY:** Just take us through, step by step. Three complaints were received via email—

**Mr COUTTS-TROTTER:** Yes.

**The Hon. DANIEL MOOKHEY:** —and I presume that was to the Western Parkland City Authority. Correct?

**Mr COUTTS-TROTTER:** I can find that out for you. I will test your assumption.

**The Hon. DANIEL MOOKHEY:** Did the Western Parkland City Authority itself then hire a firm by the name of Intrique to investigate?

**Mr COUTTS-TROTTER:** Yes. So my understanding—and I will confirm on the record—is that the Western Parkland City Authority sought advice from Treasury about who it could approach to undertake an independent investigation. Treasury recommended this organisation—that I am not familiar with—Intrique. I think they were appointed on 22 June and DPC became aware of it and took over the oversight of the investigation on 24 June, as is appropriate for the reasons I explained earlier.

**The Hon. DANIEL MOOKHEY:** What was the cost?

**Mr COUTTS-TROTTER:** I do not know. I can find out for you.

**The Hon. DANIEL MOOKHEY:** Thank you very much. What was the evidentiary standard that Intrique was told to apply?

**Mr COUTTS-TROTTER:** The Briginshaw test. The civil standard, the balance of probabilities, which is usual in matters of this nature.

**The Hon. DANIEL MOOKHEY:** Against which policy?

**Mr COUTTS-TROTTER:** I will check that for you.

**The Hon. DANIEL MOOKHEY:** Thank you. Did that lead investigator at any point ask the DPC for permission to expand their investigation into Dr Hill's tenure as CEO of the Greater Sydney Commission after, in the course of their investigation, identifying matters that may require further exploration?

**Mr COUTTS-TROTTER:** I do not know, but I am happy to check.

**The Hon. DANIEL MOOKHEY:** Did DPC refuse the investigator's request to expand the investigation into Dr Hill's time at the Greater Sydney Commission?

**Ms FOY:** I do not know.

**The Hon. DANIEL MOOKHEY:** Who from DPC was responsible for overseeing this investigation?

**Mr COUTTS-TROTTER:** My understanding was that it was one of my deputy secretary colleagues, Samara Dobbins, who is the head of the HR function in DPC.

**The Hon. DANIEL MOOKHEY:** She was reporting to Mr Reardon. Was that the case?

**Mr COUTTS-TROTTER:** She was a direct report to Mr Reardon.

**The Hon. DANIEL MOOKHEY:** Was she keeping Mr Reardon directly informed?

**Mr COUTTS-TROTTER:** I cannot speak for her. I will find out.

**The Hon. DANIEL MOOKHEY:** Was Mr Reardon the person who communicated the outcome of the investigation to the complainants?

**Mr COUTTS-TROTTER:** I will find out. I do not know.

**The Hon. DANIEL MOOKHEY:** When you say it was unsubstantiated, Mr Secretary, what do you mean by that?

**Mr COUTTS-TROTTER:** I mean I have read the executive summary of the investigator's report. It says, "Allegation one not substantiated. Allegation two not substantiated. Allegation three not substantiated. Recommendations: I recommend that DPC considers advising the respondent, Ms Hill, of the outcome of the independent investigation and advising the witnesses of the outcome of this independent investigation, including observations made in this report."

**The Hon. DANIEL MOOKHEY:** Can I just take you through what those observations are? Let me put them to you. Did the investigator make the observation that Dr Hill should consider training and/or mentoring in relation to her personal communication style when meeting with staff and addressing staff who attend board meetings?

**Mr COUTTS-TROTTER:** I would need to check—

**The Hon. DANIEL MOOKHEY:** You have the report there, Mr Secretary.

**Mr COUTTS-TROTTER:** —because I have only read as far as I recounted to you.

**The Hon. DANIEL MOOKHEY:** Is it the next paragraph there, Mr Secretary?

**Mr COUTTS-TROTTER:** No, I asked for the executive summary and the recommendations. That is all I have got.

**The Hon. DANIEL MOOKHEY:** Feel free to take them on notice.

**Mr COUTTS-TROTTER:** Okay.

**The Hon. DANIEL MOOKHEY:** The question specifically that I would like you to take on notice is: Did they make the observation or recommendation to Dr Hill that she consider training or mentoring relating to her personal communication style when meeting staff and addressing staff who attend board meetings? That is the first question.

**Mr COUTTS-TROTTER:** I am happy to check that for you and respond.

**The Hon. DANIEL MOOKHEY:** The second question I would like you to check is whether the investigator recommended that they consider conducting a workplace cultural assessment utilising staff surveys to evaluate the emotions and attitudes of staff and how the leadership and management team of the authority are viewed.

**Mr COUTTS-TROTTER:** I will confirm on record.

**The Hon. DANIEL MOOKHEY:** Will you also confirm whether or not they recommended considering face-to-face refresher training for Dr Hill and the authority on the code of conduct throughout the authority, which includes a focus on core values?

**Mr COUTTS-TROTTER:** Again, I am happy to confirm that on the record.

**The Hon. DANIEL MOOKHEY:** Finally, will you confirm whether the observation or recommendation was made that they consider implementing a whistleblower hotline for staff and customers to access if required? Options for doing so might include a hyperlink on the authority's intranet and/or website to take anonymous complaints about the behaviour of the executive of that authority.

**Mr COUTTS-TROTTER:** I am happy to check that and confirm for you.

**The Hon. DANIEL MOOKHEY:** Will you also provide an explanation now or later as to why any such observations or recommendations would have been made, given you say that this was all unsubstantiated?

**Mr COUTTS-TROTTER:** That is a puzzle, because the report is clear that the allegations were unsubstantiated. I do want to keep stressing that on the record because, with the information available to me, there is a lot of smearing of Ms Hill's reputation and we have got a report that says allegations were unsubstantiated.

**The Hon. DANIEL MOOKHEY:** Yes, and I also have numerous people telling me that this investigation was not fair—hence the questions.

**Mr COUTTS-TROTTER:** Okay, sure. The investigators turned in a written report, they put their name to it and they signed off on it. That was the finding.

**The Hon. DANIEL MOOKHEY:** What were their terms of reference?

**Mr COUTTS-TROTTER:** I will check that for you. Actually, I probably have those but they are long. I will provide them to you on notice.

**The Hon. DANIEL MOOKHEY:** Thank you very much. Who determined the terms of reference?

**Mr COUTTS-TROTTER:** I do not know. I will find out.

**The Hon. DANIEL MOOKHEY:** Has the department or the public service completed its People Matter Employee Survey for this year?

**Mr COUTTS-TROTTER:** Yes, we have.

**The Hon. DANIEL MOOKHEY:** When will the results of that be made public?

**Mr COUTTS-TROTTER:** They are being published in iterations. My colleague Kathrina Lo might be able to—you are interested in the results of the authority's People Matter Employee Survey?

**The Hon. DANIEL MOOKHEY:** No, at this point across all of the public sector, but then we will get to the authority.

**Mr COUTTS-TROTTER:** Okay. I might pass to my colleague Ms Lo.

**Ms LO:** The PMES, the People Matter Employee Survey, results have been passed to all of the departments and agencies. They all have their results packs. The results packs will be published on the Public Service Commission website on 8 November. I can tell you that the employee engagement for the authority was 61, and that is up two points from last year.

**The Hon. DANIEL MOOKHEY:** In the year previous did it drop by 30 points?

**Ms LO:** I do not have that information at hand.

**The Hon. DON HARWIN:** My recollection is that there was some drop-off, but I cannot confirm the figure. The view was, if I recall correctly, that there was a COVID effect on the response rate. We will take that on notice for you and check.

**The Hon. DANIEL MOOKHEY:** On notice, Minister, do you mind therefore confirming that the survey that took place in the authority last year had 65 respondents?

**The Hon. DON HARWIN:** Sorry, on which authority?

**The Hon. DANIEL MOOKHEY:** The Western Parkland City Authority.

**The Hon. DON HARWIN:** I cannot speak exactly for that particular authority. I thought that you were referring to the survey responses overall. I apologise, and if that was your question then I withdraw the answer that I gave.

**The Hon. DANIEL MOOKHEY:** Thank you, Minister. I appreciate that. Perhaps for the secretary or the Public Service Commissioner, as you see fit, can you confirm that last year's People Matter survey report as it applies to the Western Parkland City Authority reported a drop of circa 30 points on broad satisfaction by employees in that organisation?

**Mr COUTTS-TROTTER:** Just to be specific, on the staff engagement score?

**The Hon. DANIEL MOOKHEY:** Yes.

**Mr COUTTS-TROTTER:** I do not know, but we can take—

**The Hon. DANIEL MOOKHEY:** But in general, relative to the Treasury cluster for which it was benchmarked, there was about a 17 per cent negative spread across most criteria and the same between that and the public sector. Finally, there was a 30- to 40-point drop across most criteria that was detected in the People Matter survey last year as it applied to that authority. Do you mind checking on that?

**Mr COUTTS-TROTTER:** Happy to.

**The Hon. DANIEL MOOKHEY:** Thank you very much. That is it from me.

**The Hon. WALT SECORD:** Minister, this is probably best directed to Ms Herron of the Opera House. How long has the Concert Hall at the Opera House been closed?

**The Hon. DON HARWIN:** I will get Ms Herron to answer that. I can probably assist you. I do reserve the right to answer questions, but feel free, Ms Herron.

**The Hon. WALT SECORD:** Ms Herron, will you bring me up to speed on the Concert Hall? How long has it been closed?

**Ms HERRON:** The Concert Hall was closed in February last year, so it has now been closed for about 18 months—coming up to two years.

**The Hon. WALT SECORD:** Is it correct that it was scheduled to reopen in February?

**Ms HERRON:** Yes, that is correct. It was scheduled to reopen in February.

**The Hon. WALT SECORD:** What is the new opening date?

**Ms HERRON:** We have been working very closely with the Sydney Symphony Orchestra, who we look forward very much to welcoming back to the Concert Hall. After considering all of the many COVID risks that we have faced in the course of the works, we have agreed and they have launched their season brochure showing a July reopening.

**The Hon. WALT SECORD:** July 2022.

**Ms HERRON:** July 2022, which is about four or five months later than originally planned.

**The Hon. WALT SECORD:** What was the reason for the delay in the renovations?

**Ms HERRON:** As we know, there has been a severe COVID impact, particularly on works. We have suffered as a result of the international and domestic border closures. We have suffered because of delays in supply chain. Also, when the general shutdown occurred in July this year, we were closed for two weeks. Following that, about 50 per cent of the workers on site came from the 12 LGAs that were affected that people could not travel from. Also, a lot of the work that is being done is done in those LGAs, and so that work was halted. It is not as if, once those restrictions come off, we are immediately able to gear up fully. We continue to suffer, for example, from the closure of international borders because the majority of the theatre equipment following the public tender comes from Waagner-Biro in Austria. We have had a lot of difficulty in getting people here, despite our working closely with the Austrian ambassador and DFAT to bring the engineers, particularly the commissioning engineers, to the site.

**The Hon. WALT SECORD:** Have there been any financial impacts in the sense of compensation that the Opera House has had to pay to the Sydney Symphony Orchestra [SSO]?

**Ms HERRON:** No, there has not.

**The Hon. WALT SECORD:** They are not seeking any?

**Ms HERRON:** They have not. No compensation has been paid to the SSO.

**The Hon. WALT SECORD:** Thank you. Can I keep going, or is that the end of my time?

**The Hon. DON HARWIN:** I am sorry, Chair. I am going to have to ask for another short break. I will make it as snappy as I possibly can.

**The ACTING CHAIR:** Okay.

**(Short adjournment)**

**Mr DAVID SHOEBRIDGE:** Minister, what is the actual cost of the construction contract with Lendlease for the Powerhouse Museum?

**The Hon. DON HARWIN:** It is \$845 million.



**Mr DAVID SHOEBRIDGE:** That is a lot. That has gone up from \$400 million.

**The Hon. DON HARWIN:** Sorry, the construction—my apologies. That is right, you asked me the construction costs as opposed to the cost of the actual project. Quite right.

**Mr DAVID SHOEBRIDGE:** More than doubled.

**The Hon. DON HARWIN:** I beg your pardon?

**Mr DAVID SHOEBRIDGE:** It has more than doubled. It was meant to be \$400 million.

**The Hon. DON HARWIN:** No. I was talking to the total cost. When I gave you that figure, it was the total cost of the program. I misunderstood your question. I apologise.

**Mr DAVID SHOEBRIDGE:** My misunderstanding. Mr Coutts-Trotter, for the record, I think congratulations are in order—but careful what you ask for. Congratulations.

**Mr COUTTS-TROTTER:** Thanks very much.

**Mr DAVID SHOEBRIDGE:** Minister, if it helps there are rumours abounding that it is well over the \$400 million that was originally budgeted for. Does that help?

**The Hon. DON HARWIN:** Let me take, at this stage, that question on notice. But I will hopefully have an answer for you on the actual, to the extent that I am able to give you, by the end of the session as I have foreshadowed to other members.

**Mr DAVID SHOEBRIDGE:** Do you know when the contract was signed with Lendlease?

**The Hon. DON HARWIN:** Lendlease was appointed as the main works builder on 17 September 2021. They are responsible for the detailed design and construction of the Powerhouse Parramatta.

**Mr DAVID SHOEBRIDGE:** Normally we would see details about the contract disclosed within a month of the contract being entered into. Yet I cannot find any details on either the procurement website or the Planning website.

**The Hon. DON HARWIN:** I will invite the deputy secretary to comment on that.

**Ms FOY:** Infrastructure NSW [INSW] are the signatories to the contract with Lendlease as they are the delivery agency working with us. We will attempt to get in contact with INSW on the date. But normally—you are correct, Mr Shoebridge—there is the publication of those contract documents per any of the relevant guidelines. But I will attempt to get back to you by the end of this session. If not, we will take that on notice.

**Mr DAVID SHOEBRIDGE:** But, Ms Foy, you are the client. You must know what the contract price is. They would not have entered into a contract without saying—

**Ms FOY:** No. I do not have that in front of me or off the top of my head, I am afraid. As you can see, there is considerable information but I will get back to you.

**The Hon. DON HARWIN:** We are managing about \$2.5 billion worth of infrastructure projects at the moment. Apologies if we do not have every figure off the tops of our heads.

**Mr DAVID SHOEBRIDGE:** But I am asking you about one project that is in the order of 20 per cent of that so that is why—

**Ms FOY:** I will get that figure for you, Mr Shoebridge.

**The Hon. DON HARWIN:** Yes, and we have made undertakings in that respect.

**Mr DAVID SHOEBRIDGE:** Ms Foy, is that contract just for the base build? Is there a separate contract for the fit-out?

**Ms FOY:** I will get back to you on that, or I might ask Ms Pitman if she is able to talk about that, but the build cost is the Lendlease—the fit-out would be, I suspect, shared between contractors because this fit-out has different components to it, as you know. But I will get back to you on that, Mr Shoebridge. Just to clarify what I am getting back to you on: the contract with Lendlease, the contract costs, the time of its publication, the scope of the work and the scope of the work for the fit-out?

**Mr DAVID SHOEBRIDGE:** Yes, that is right and, if there is a contract for the fit-out, the contract cost for the fit-out.

**Ms FOY:** Of course.

**Mr DAVID SHOEBRIDGE:** Minister, are you aware that the Heritage Council and the National Trust both raised very real concerns with the failure of New South Wales Planning to consider the Aboriginal heritage associated with the Ravensworth Homestead and the surrounds, where there are Aboriginal massacre sites, in granting the approval to destroy that landscape and to relocate the Ravensworth homes? Are you aware of those concerns?

**The Hon. DON HARWIN:** Obviously Heritage NSW is very interested in that particular development. I can provide some information on that. I am not specifically briefed though on whether the National Trust raised any concerns.

**Mr DAVID SHOEBRIDGE:** Why did Heritage NSW not provide information to New South Wales Planning about the critical both Aboriginal and colonial heritage—but I suppose my focus here is particularly on the Aboriginal heritage—that is going to be destroyed if that Glencore extension is permitted?

**The Hon. DON HARWIN:** I am going to have to take that question on notice.

**Mr DAVID SHOEBRIDGE:** Minister, I appreciate that. But the reason I am asking you is there is a series of recorded and documented massacre sites surrounding the Ravensworth Homestead which, under an approval granted by New South Wales Planning under State significant development, is going to be utterly destroyed and yet Aboriginal Affairs, Heritage NSW—nobody made a submission about the Aboriginal heritage on that site. Do you know how that happened?

**The Hon. DON HARWIN:** I will take that on notice. I am not sure that that is correct so I will check that for you and respond on notice.

**Mr DAVID SHOEBRIDGE:** Minister, do you accept that there is something very wrong in Aboriginal heritage protection laws when massacre sites can be destroyed without any actual consideration in a planning process?

**The Hon. DON HARWIN:** I think it is obvious that I cannot make any judgement about these assertions that you are making given that I have had to take your previous line of questioning on notice.

**Mr DAVID SHOEBRIDGE:** Minister, what is the current delivery date for the Sydney Modern? What is the expected delivery date?

**The Hon. DON HARWIN:** Well, it is Sydney Modern, which is, of course, a wonderful project. It is going, despite the COVID delays, according to schedule. I am advised that it is on track to be delivered within budget in late 2022, as anticipated.

**Mr DAVID SHOEBRIDGE:** My office has been contacted by people who have had concerns that there is a six-month delay. Can you allay those concerns and say that those concerns are not—

**The Hon. DON HARWIN:** Any delays, Mr Shoebridge, have been minor and it is on track to be finished as planned.

**Mr DAVID SHOEBRIDGE:** On schedule?

**The Hon. DON HARWIN:** Yes, as I stated. When I say in late 2022, that is the whole project, not just the build section. The build section will be finished even earlier than that. That will be finished by mid next year and then there is a fit-out period that follows it.

**Mr DAVID SHOEBRIDGE:** Minister, has the Creative Kids been undersubscribed?

**The Hon. DON HARWIN:** No, I do not think I would say that. I would say, if anything, it is going faster than—being spent faster than you would expect, given the amount applied to the program and the length of years it is being spent over. I can give you more information on that, but I will just give you quick answers if you want.

**Mr DAVID SHOEBRIDGE:** That is okay. Could you provide that on notice—the details about the spend on Creative Kids?

**The Hon. DON HARWIN:** I can tell you quickly—

**Mr DAVID SHOEBRIDGE:** I do not require any further information on that. If you could provide it on notice that actually would be helpful. Can you tell me then when the expected opening date for Sydney Modern is? Have we got a date on the calendar?

**The Hon. DON HARWIN:** It is as I said to you. It is late 2022.

**Mr DAVID SHOEBRIDGE:** That is the opening date?

**The Hon. DON HARWIN:** That is the opening, absolutely. It will be opening then.

**Mr DAVID SHOEBRIDGE:** Minister, you will be aware that the report has been delivered about the heritage referral that you gave to the social issues committee. I know that there are six months to respond to that, but one of the—

**The Hon. DON HARWIN:** We will be responding a lot faster than six months, trust me.

**Mr DAVID SHOEBRIDGE:** That is good.

**The Hon. DON HARWIN:** You will recall that I was the one who gave them the reference and I gave it to them for a purpose: because I wanted stakeholder input before I finalise my Cabinet minute.

**Mr DAVID SHOEBRIDGE:** You are pushing against an open door. I think that was useful process. I think that is good. But, Minister, one of the loudest messages that we got from pretty much every stakeholder was that the pressing need is actually to get standalone Aboriginal heritage laws in place where Aboriginal people are making the decisions about Aboriginal heritage. When will they be in place?

**The Hon. DON HARWIN:** This was asked earlier by the Hon. Penny Sharpe, and I would refer you to the answer I gave to her.

**Mr DAVID SHOEBRIDGE:** Did you give a date?

**The Hon. PENNY SHARPE:** For?

**The Hon. DON HARWIN:** Aboriginal cultural heritage, yes. I did not give a calendar date, no.

**The Hon. PENNY SHARPE:** No, we are seeing a bill sometime before the end of the year maybe.

**The Hon. DON HARWIN:** No, I think I said that my expectation is that it will be available for consultation after Christmas.

**Mr DAVID SHOEBRIDGE:** After Christmas but before New Year's Day?

**The Hon. DON HARWIN:** Good try, David. No, in the new year.

**Mr DAVID SHOEBRIDGE:** But before the next parliamentary sitting starts, and so in that period.

**The Hon. DON HARWIN:** I would certainly hope that would be the case, but if you had been here at the time you would have heard me say that Cabinet agendas are pretty full at the moment and I am hoping that it will go to Cabinet this year—

**Mr DAVID SHOEBRIDGE:** I understand the time frame.

**The Hon. DON HARWIN:** —and therefore have it available for people to look at and for it to be open to consultation early next year. That is what I would like to see happen, but I am not the master of that process.

**Mr DAVID SHOEBRIDGE:** Yes, I accept that. Thanks, Minister.

**The Hon. DON HARWIN:** And, of course, it also depends upon whether Cabinet is happy with it and it goes straight out. It may need some work. We will wait and see.

**The Hon. BEN FRANKLIN:** Point of order: I thought I heard Mr Secord say that he had no more questions for Ms Herron, and I thought if that was the case and other members did not, perhaps we could let her go.

**The Hon. WALT SECORD:** Yes, okay.

**Mr DAVID SHOEBRIDGE:** Release Ms Herron? That seems very fair.

**The Hon. DON HARWIN:** Early mark for Ms Herron.

**The ACTING CHAIR:** Ms Herron, you are released.

**Ms HERRON:** Thanks so much. Thanks for the early mark.

**(Ms Herron withdrew.)**

**The Hon. MARK LATHAM:** In reference to the 129 programs with over \$1 billion dollars of expenditure in the preparation of the Treasury *Indigenous Expenditure Report*, they did consultations and concluded that:

Participants observed that, in many instances, service delivery providers are not meeting the needs and expectations of the communities they are serving. Some participants noted they are "simply ticking a box and leaving"—

a reference to our public servants and service deliverers—

a sentiment that is further perpetuated by a lack of community engagement.

What is being done to solve that particular problem?

**The Hon. DON HARWIN:** That sort of behaviour is not acceptable and it should be addressed. I certainly agree with that. Like everything that is contained in the *Indigenous Expenditure Report*, these matters will be pursued with other clusters by Aboriginal Affairs NSW to make sure there is meaningful engagement.

**The Hon. MARK LATHAM:** More generally in the public service—and perhaps Mr Coutts-Trotter could reflect on this—there has been an effort in various agencies to do things that are Indigenous-related. For instance, the Treasury has staff reconciliation groups, although when I have asked them, they have not identified any staff who are not reconciled to Indigenous people; DPIE has had a Bruce Pascoe book fiction club and readings; and there are other virtue signalling activities about Invasion Day, blah, blah, blah. Would it not be a lot better, in light of this critique of simply ticking a box and leaving, to get back to the basic public sector delivery of professional cost-efficient service delivery where it matters most for disadvantaged Indigenous communities, to set the virtue signalling and the feel-good programs aside and get back to what should be the core business of the public sector—to deliver these services without the insult of ticking a box and leaving, Minister and Premier's chief please?

**The Hon. DON HARWIN:** I thought you were asking the secretary that.

**The Hon. MARK LATHAM:** I will ask both of you. You are the Minister for the Public Service and Indigenous affairs. I am just saying that for all this effort in one space, haven't we overlooked the core function of the public sector to professionally in a cost-efficient way deliver the services without the tick-and-flick approach?

**The Hon. DON HARWIN:** I think I have answered that question; that was your previous question.

**The Hon. MARK LATHAM:** Mr Coutts-Trotter, any response to this particular problem?

**Mr COUTTS-TROTTER:** Yes, of course. To your suggestion that these two things—there is virtue signalling and there is doing the real business. I think sometimes the things you describe as virtue signalling are actually highly valued by Aboriginal communities we work with and Aboriginal colleagues on staff. Days that allow organisations like my former organisation, the Department of Communities and Justice, to reflect on its history in removing Aboriginal kids is a really important thing to do. It wins trust with Aboriginal communities, it wins respect from Aboriginal staff, and that makes the organisation better able to do good public service work with and for Aboriginal people. I do not think the two things are necessarily in conflict. I do think the latter is more important. You have got to have a public service that is equipped with people who understand that the job is to deliver the best possible response on a local level, reflecting the needs of the local community they work in.

**The Hon. MARK LATHAM:** Do you think it is true though that we have got to an era where there would not be people in our public service work who are unsympathetic to the Indigenous cause? And actually any human being visiting these hellholes and places of squalor, where your stomach turns and your tears well up, thinking, "How can people in our modern reasonably wealthy society just live like this? It is just so cruel and unfair." There is no lack of empathy. The programs you talk about, are they really in dispute? Is that a contested sphere as opposed to the professional cost-efficient and effective service delivery that the communities are calling out for rather than tick and flick?

**Mr COUTTS-TROTTER:** The latter is hugely important; it is the main game. But I know from talking with Aboriginal colleagues that they experience racism at work. It is a fact of their working life. It might be soft racism, it might be people just having a blind spot and not understanding what they are saying or doing, but sometimes it is hardcore old-fashioned racism. We kid ourselves if we are not honest about that and we do not try and tackle that where we find it. Yes, by and large people come to the public service motivated for the very best reasons, but it is not always the case and it can be a tough place to work for Aboriginal staff, and we have to be honest about that.

**The Hon. MARK LATHAM:** What proportion do you think of the public service are (a) soft racist or (b) hard racist?

**Mr COUTTS-TROTTER:** A tiny fraction, but it is in the People Matter Employee Survey; it is in staff surveys. We know it is an issue. I am not saying it is the overriding character of the public service—absolutely not—nor the overriding character of society. But it is there, it is real and it has to be tackled, and I think we can do both.

**The Hon. MARK LATHAM:** Minister, on page 22 of the report they lament the fact that of the 37 State outcomes in the Premier's Priorities, there is only one relating specifically to Indigenous communities. Are

you open to the idea of taking perhaps what might be thought of as more critical Closing the Gap targets—the 16 of them—and adding them to the Premier's Priorities to give them improved profile and emphasis in our State Government work?

**The Hon. DON HARWIN:** I have not had a chance to discuss with the new Premier—and he has not advised Cabinet yet—what, if any, changes there will be to Premier Berejiklian's priorities. I think I am correct in saying that.

**Mr COUTTS-TROTTER:** Yes.

**The Hon. DON HARWIN:** And it may well be that he is going to make some adjustments there. I think the Closing the Gap targets are very good targets. I note that there was an education Premier's priority in relation to Aboriginal education; it was a good one. It reflects, in part, one of the Closing the Gap targets, and I think it would be appropriate that there be some more. No, I withdraw that. I think I would want to wait until I had had a discussion with the new Premier as to how he saw Premier's Priorities working before I was able to give you a definitive answer as to the question you asked.

**The Hon. MARK LATHAM:** That is fair enough; you would expect the new Premier may well have new and different priorities and hopefully expanded priorities that take in some of these Closing the Gap targets. Do you think generally though that putting them in the Premier's Priorities would add to the emphasis inside the Government to reach these 16 critical targets—

**The Hon. DON HARWIN:** Possibly it might, but I have to say—

**The Hon. MARK LATHAM:** —particularly the ones about life expectancy and the birth of healthy babies?

**The Hon. DON HARWIN:** I have to say that I am detecting very strong support from across clusters and amongst my colleagues for actually acting on the Closing the Gap targets. I am not sure that it necessarily would add more emphasis, but I would not say that it will not. I just would like to say that I am really pleased with the way my colleagues and the agencies are engaging in what, when all is said and done, is a national agreement signed off by the Prime Minister and the previous Premier.

**The Hon. MARK LATHAM:** If I can just take you to the Treasury reporting on rudimentary progress, if any, aligning expenditure to Closing the Gap targets, they have listed some outcomes here aligning generally with some of the Closing the Gap targets and added a few more. Can I just ask what the Government is doing in these areas specifically to try to improve the outcomes? Outcome four listed here on page 25 is that children thrive in their early years. In New South Wales only 42 per cent of Indigenous children are developmentally on track in the domain set out for early childhood development—just two in five.

**The Hon. DON HARWIN:** Yes. Reflecting on all of those statistics is very sobering and sometimes very disturbing as well. As I said, as Minister for Aboriginal affairs, AANSW's role is to coordinate work across the clusters in terms of all of those outcomes and targets and make sure that progress is, if anything, exceeding the trajectory we need to reach those targets. In relation to that specific area, I invite either the secretary or the deputy secretary to reflect on it. If they do not have anything to add, we would be happy to take it on notice.

**Mr COUTTS-TROTTER:** There is the measure of the Australian Early Development Census and index. I think that is probably the data you are referring to and I think there is new data soon to arrive. It is not a happy story comparing Aboriginal kids to non-Aboriginal kids in New South Wales but, when you compare New South Wales to other States and Territories, from memory, actually it is a much stronger comparison. So the relative position of Aboriginal kids in New South Wales is better, from memory, than the Australian average of those in other States and Territories, which is not to say that it is good enough or does not need to improve.

**The Hon. WALT SECORD:** Minister, the private fundraising arrangements involving Parramatta Powerhouse—from memory, \$20 million from Lang Walker, \$10 million from Western Sydney University—

**The Hon. DON HARWIN:** Correct.

**The Hon. WALT SECORD:** Of the \$75 million fund, that leaves \$45 million remaining. Is it correct that you have been unable to secure that remaining \$45 million?

**The Hon. DON HARWIN:** Not at all. It most certainly is not correct.

**The Hon. WALT SECORD:** Can you share that with us?

**The Hon. DON HARWIN:** We deliberately have decided to lead with those two donations, which are extremely significant and in relation to one part of the Powerhouse's future mission, which is, of course, the Academy. But I have every confidence that we will be able to meet the \$75 million target. To that effect, we have

set up a fundraising committee. I do not want to just take up your time but Ms Havilah would be able to expand on the work that is being done under the chairmanship of Tony Shepherd, who is chairing the appeal committee.

**The Hon. WALT SECORD:** Minister, my question is very simple. Ms Havilah maybe can answer this. My question is very straightforward and simple. So \$20 million from Lang Walker, \$10 million from Western Sydney University and that leaves \$45 million. Rather than going through the details of the fundraising committee, I would like to know—yes or no—is that \$45 million still not forthcoming from the private sector?

**The Hon. DON HARWIN:** I think we have good plans to raise the remainder of that target and the target that is being put in place for Ultimo. Based on the extraordinary response we have had from the New South Wales community—including both business and philanthropists—for our other infrastructure projects, we have every confidence that they will be met.

**The Hon. WALT SECORD:** So the answer is no.

**The Hon. DON HARWIN:** We have not only reached our \$100 million target for Sydney Modern but we exceeded it. We have reached our targets for Walsh Bay—they had philanthropy targets as well. We have exceeded it. For Project Discover at the Australian Museum, we exceeded that target. I think you should assume that we will do well and maybe even exceed both targets at the Powerhouse.

**The Hon. WALT SECORD:** One last question—Willow Grove being housed at Wetherill Park.

**The Hon. DON HARWIN:** Well, I actually do not know where it is being housed but I have every faith in Infrastructure NSW to do the right thing in ensuring that it is disassembled, protected while it is being stored and then reassembled appropriately at a future time after the Willow Grove reference group has considered and given advice on where it might be located.

**The Hon. WALT SECORD:** In response to written questions on notice from previous committees, it is being housed at Wetherill Park.

**The Hon. DON HARWIN:** Thanks. I probably should have recalled but I did not.

**The Hon. WALT SECORD:** One last question. What is the final budget for disassembling Willow Grove, putting it in storage, keeping it there and then reassembling it at a later date? What is the total budget for that?

**The Hon. DON HARWIN:** I have given figures for that at the moment but until we have a—

**The Hon. WALT SECORD:** The reason I am asking is I am checking to see if they have changed.

**The Hon. DON HARWIN:** Until we actually have a location, until we know which year it will be built in and until we know what the construction costs will be, it is pointless giving you a figure, Walt.

**The Hon. WALT SECORD:** Ms Foy, you must have a budget figure.

**Ms FOY:** It is as the Minister said. I think it is premature to put a budget figure on it. Of course, we have a full program budget and we do what we can to manage.

**The Hon. PENNY SHARPE:** I want to go back to Aboriginal fishing rights. Minister, are you aware that the State Government has agreed for the New South Wales abalone industry to increase its 100-tonne annual quota?

**The Hon. DON HARWIN:** I would have to take—

**The Hon. PENNY SHARPE:** Do you know or not?

**The Hon. DON HARWIN:** I am not aware of it. I have not be briefed on it. I would be happy to take any questions you have about it on notice.

**The Hon. PENNY SHARPE:** The issue is, while you are doing that, that sort of decision would necessarily come to Cabinet, would it Minister?

**The Hon. DON HARWIN:** Well, I would not discuss what takes place in Cabinet.

**The Hon. PENNY SHARPE:** Sure. That is fine. This is a process question. Do your Cabinet minutes have an Aboriginal First Nations people impact consideration as part of minutes?

**The Hon. DON HARWIN:** AANSW has referred to it the entire forward agenda of Cabinet and AANSW comments on any Cabinet minute that has a potential relevance to Aboriginal people. That happens as a matter of course.

**The Hon. PENNY SHARPE:** There have been two recent prosecutions of Aboriginal people for doing cultural fishing—a 74-year-old man who had some abalone and there is a man, I think, down the far South Coast who had two small bags. He is looking at being banned from fishing for five years and/or a jail term. What input, if any, has your department or others had in trying to stop the prosecution of Aboriginal people for doing cultural fishing practices?

**The Hon. DON HARWIN:** I will respond to that question on notice.

**The Hon. PENNY SHARPE:** While you are doing that then, Minister, you have signed the Closing the Gap agreement, which is obviously about trying to reduce Aboriginal people in the criminal justice system. Yet we have passed the fisheries management Act, which was supposed to recognise the cultural fishing rights of Aboriginal people across this State. It has never commenced—over a decade and still not commenced. There are Aboriginal people getting prosecuted for small amounts of what I think everyone would agree is cultural fishing practice and yet you have done nothing.

**The Hon. DON HARWIN:** It is not correct to say that the Government has done nothing.

**The Hon. PENNY SHARPE:** I am asking you, Minister. You have not met with the fisheries Minister and you are not aware about the abalone quota. No-one from your department seems to be able to tell me about whether they are aware of this. This has a massive impact on prosecution rates and fear of prosecution of Aboriginal people trying to practise their own cultural fishing rights, which we have recognised in the Parliament.

**The Hon. DON HARWIN:** I promised to provide the answers to those questions on notice.

**The Hon. PENNY SHARPE:** Minister, we were speaking in the previous session about the jobs lost at Heritage NSW. Are any of those going to be regional jobs?

**Ms FOY:** I will take that on notice.

**The Hon. PENNY SHARPE:** Thank you. I am not sure, but this might be one for Mr Coutts-Trotter. I ask this question quite frequently. What is the efficiency dividend being applied across the agencies in this cluster?

**The Hon. DON HARWIN:** Secretary?

**Mr COUTTS-TROTTER:** I would usually be familiar with that, Ms Sharpe, but I am yet to get my head around that. So I will take it on notice and respond to you.

**The Hon. PENNY SHARPE:** Thank you. My understanding is it is 3 per cent. But, yes, if you could provide it on notice for each of the agencies and the dollar amount that they would be required to find for the end of 2022, that would be great.

**Mr COUTTS-TROTTER:** Okay.

**The Hon. PENNY SHARPE:** Minister, I want to ask about domestic violence leave and the provision of it within the public service. I want to understand if we have got any figures on how many people have actually accessed that leave?

**The Hon. DON HARWIN:** The secretary is going to respond.

**Mr COUTTS-TROTTER:** We do not. I did ask this question, Ms Sharpe. There is no central gathering of that information, so we would have to go to individual agencies to ask the question. But I am just looking to my colleague, Kathrina Lo—I think we should do that.

**Ms LO:** Kathrina Lo, for Hansard—

**The Hon. PENNY SHARPE:** I am obviously happy for you to take it on notice.

**Ms LO:** That is right, what the secretary has said. It is not central—

**Mr COUTTS-TROTTER:** So we will take it on notice then. Thank you.

**The Hon. PENNY SHARPE:** Terrific. Thank you. This is a COVID-related question about rapid antigen testing. There has been a massive increase in rapid antigen testing—all of us have had it this morning—and the rollout of home testing kits. Do you expect that essential and frontline workplaces will still be required to provide rapid testing for their workers?

**Mr COUTTS-TROTTER:** I think that will depend on the setting. So in prisons and youth justice, for example, where the consequences of COVID transmission within the centre are so significant, it could well be that rapid antigen screening remains a fact of life for the foreseeable future. I know, for example, in schools in

Albury during the latest outbreak that rapid antigen screening is being used as a pilot, picking up on the United Kingdom Government's approach where you test kids to enable them to come to school rather than being isolated at home and denied face-to-face schooling. So I think there will be a range of responses that will make use of rapid antigen screening, but I do not think it will be uniform.

**The Hon. PENNY SHARPE:** For essential and frontline workplaces that makes sense. If people are moving to home testing, are there any plans to look at compensating workers who will be required to purchase at-home testing kits?

**Mr COUTTS-TROTTER:** I will take that one on notice. To date, employers have paid the cost of rapid antigen testing, yes.

**The Hon. PENNY SHARPE:** So you would anticipate that that would stay—

**Mr COUTTS-TROTTER:** I could not see why—

**The Hon. PENNY SHARPE:** I am really asking if that changes as we move out of it—whether the cost is going to be shifted onto individual workers for at-home testing?

**Mr COUTTS-TROTTER:** I will take that one on notice.

**The Hon. PENNY SHARPE:** Thank you. That is very helpful. I want to ask about casualisation within the New South Wales public sector. COVID will require long-term attention. Will casual public sector workers who have had their employment contracts extended beyond 12 months due to COVID-19 be offered full-time or permanent positions?

**Mr COUTTS-TROTTER:** I will take that on notice. But I think there will not be a blanket response to that. That will depend on the needs of different departments and agencies. We will come back to you.

**The Hon. PENNY SHARPE:** There is a lot of concern about the economy and insecure work. What are the plans across the Government to convert casual positions to permanent work over temporary work?

**Mr COUTTS-TROTTER:** I would need to take that on notice, I am afraid.

**The Hon. PENNY SHARPE:** That is okay. Are you able to provide the Committee with information in relation to staffing caps across the key agencies?

**Mr COUTTS-TROTTER:** I take it you are referring to the employee-related expenses cap that is applied?

**The Hon. PENNY SHARPE:** No, agency staff cap.

**Mr COUTTS-TROTTER:** Okay. Yes, I will take that one on notice, unless either my colleague Kathrina Lo or my colleague Charlie Heuston want to answer?

**Ms LO:** I do not have any information on staffing caps. That is generally not a term that I am familiar with. We use the term "labour expense cap", so perhaps we need a bit of clarification—

**The Hon. PENNY SHARPE:** Sure. I will do that on notice. That is fine.

**Mr COUTTS-TROTTER:** Okay. Great.

**The Hon. PENNY SHARPE:** My apologies. I now want to talk about COVID and the impact on Aboriginal communities. I am told, in good news, that Wilcannia has zero cases at the moment, which is great. Some Aboriginal medical services have raised concerns that Aboriginal Affairs NSW was not supporting funding applications to increase staff or facilities to assist with coping with the pandemic. Are you aware of that issue, Minister?

**The Hon. DON HARWIN:** I would be very surprised if that was the case. But I will ask the deputy secretary to comment on that. I just want to pay tribute, in particular, to the work that she and Lilian Gordon, the head of Aboriginal Affairs NSW, have done on COVID. The value that has been added to the work of Commonwealth Health and NSW Health by Aboriginal Affairs NSW, in particular some of the place-based responses, has been very valuable. Ms Foy, can you help?

**Ms FOY:** Thank you, Minister. Yes, I am more than happy to help. So, firstly, if I can say that the COVID response is a Health response. It is a Health-led, Health-managed response. The Federal Government is in the lead with this and they provide—so the Federal Government vaccination strategy is the primary source of channels for vaccines, whether that is through Aboriginal Medical Services, GPs, pharmacies, the use of the Australian Defence Force to support the Royal Flying Doctor Service. So that is largely the domain of the Commonwealth. The NSW Health approach supports that Commonwealth-led approach and that is through,



largely, the local health districts. The role of Aboriginal Affairs and Premier and Cabinet is to make sure that there is a coordination of the range of services available in local communities: firstly, to make sure that Aboriginal voices are part of a solution to get jobs in arms; and, secondly, the other support systems that are required to support Aboriginal communities, whether it is tailored communications, food boxes and food delivery, the provision of protective equipment, support with transport—

**The Hon. PENNY SHARPE:** Sure. Thanks. I know there is an enormous amount of work—

**Ms FOY:** When it comes to the grants—I am happy to go to the grants—we have \$18.7 million allocated to the Department of Premier and Cabinet to mitigate the COVID-19 risk for Aboriginal communities. We have opened up two grant programs for community organisations and groups. Under the COVID grants program, Aboriginal community organisations and groups are eligible to apply for up to \$10,000 to meet immediate health and wellbeing needs of Aboriginal people. We have funded 93 COVID-19 Aboriginal Community Response Grants to date, at a total of \$823,415—

**The Hon. PENNY SHARPE:** Sorry, can I just clarify that these are the community emergency response plans?

**Ms FOY:** The community emergency response plans, or the Community Action Plans, are part of the emergency management framework that happens at that local level. So you have got, say—

**The Hon. PENNY SHARPE:** Sorry, the \$18 million that you are talking about, would it include this? Is that right?

**Ms FOY:** It could include a range of things and it is about being tailored—are you talking about community? Sorry, I might ask you to restate the question.

**The Hon. PENNY SHARPE:** Yes. Sorry. There are two issues here. I want to understand the role of Aboriginal Affairs NSW in assisting to develop the community emergency response plans for COVID, and my particular issue is that some Aboriginal medical services have raised the issue that Aboriginal Affairs NSW did not support their funding applications to increase staff or facilities to do the work.

**Ms FOY:** Right. So on Aboriginal Affairs and the community plans, it was very active in all of the development of those particular plans that happened.

**The Hon. PENNY SHARPE:** What was their role in terms of supporting or not supporting funding applications?

**Ms FOY:** Well, if it is under our grant program we assess the applications. So we open it out, we talk to all of the organisations about which grants they might be suitable for under the two different pathways. Because we also have the partnership support program of grants between \$50,000 and \$250,000—

**The Hon. PENNY SHARPE:** Sure, thank you. I appreciate the information, but I am asking a very specific question. Through the Public Accountability Committee, we did a whole hearing in relation to the response within Aboriginal communities. The frustration around all of this involves two concerns. One is that, essentially, communities that are predominantly Aboriginal people seem somehow to be considered to be a responsibility of the Commonwealth.

**Ms FOY:** I can answer that question, Ms Sharpe, I am sorry. A total of \$6,024,275 has been provided to the Aboriginal community controlled health organisations, including Aboriginal medical services via the Centre for Aboriginal Health. We provide the funding to the Centre for Aboriginal Health, which then goes on to the Aboriginal medical services and wraparound supports, and \$299,000 has been provided to the Aboriginal Health and Medical Research Council. That supports their messaging campaigns.

**The Hon. PENNY SHARPE:** Thank you. We will come back on notice about some of that.

**Ms FOY:** Happy to.

**The Hon. WALT SECORD:** Minister, you would be aware of the cultural institution down in Tasmania called the Museum of Old and New Art?

**The Hon. DON HARWIN:** Yes.

**The Hon. WALT SECORD:** Its founder, David Walsh, issued an edict that all staff there must be double vaccinated and that they would be terminated if they refuse. What is the New South Wales Government's policy on staff in our major cultural institutions and vaccinations in those institutions?

**The Hon. DON HARWIN:** Ms Foy?

**Ms FOY:** Of course, and I am sure I will play two-hander with the—

**The Hon. DON HARWIN:** Generally, I always get staffing issues to be answered by the deputy secretary.

**Ms FOY:** I will hand part of this to the secretary for the cluster, because he is ultimately responsible. Of course we want and encourage all of our staff to be vaccinated, and I am proudly double vaccinated myself. Under the health orders for cultural institutions, there are requirements around vaccination for staff and visitors while those health orders are in place. The second point is to understand the risks within all of our organisations in the public service, particularly on a work health basis, to our clients and citizens and customers. Each of our cultural institutions—and I am sure Dr Brand and Ms Havilah will be able to talk about the process they have undertaken—does a risk assessment to determine whether or not staff should be compelled as part of their employment to be vaccinated.

**The Hon. WALT SECORD:** Do you have an indication of the vaccination rate amongst staff at the major cultural institutions?

**Ms FOY:** I can tell you it is very high, and I am happy to come back with that. We talk about this on a regular basis. As you know, the cultural chiefs and I meet very regularly. As I understand it, a very large majority of their organisations' staff are vaccinated. They are working to encourage, obviously, everyone to be vaccinated. But I am sure the secretary—

**Mr COUTTS-TROTTER:** No, you have covered it.

**Ms FOY:** Cool.

**The Hon. WALT SECORD:** Does Ms Havilah have anything to add to that?

**Ms FOY:** I am sure Ms Havilah and Dr Brand would both be able to answer from their respective institutions.

**The Hon. WALT SECORD:** I would like to hear from Ms Havilah.

**The ACTING CHAIR:** Ms Havilah, will you speak up, please? Hansard are having issues.

**Ms HAVILAH:** Yes, I will. This is Lisa Havilah, for Hansard. I am in full support of what Ms Foy said in relation to the process that we have been undertaking. All of the cultural institutions meet regularly to discuss this. In relation to double-vaccinations moving forward, in relation to the changing health order post-1 December, we are undertaking a work health and safety [WHS] assessment. Our WHS committee is currently undertaking that, and I will wait for that report and take their advice.

**The Hon. WALT SECORD:** Ms Havilah, do you have any indication of the double vaccination rate of your workforce? Is there a small pocket that is resisting?

**Ms HAVILAH:** We undertook a survey of our staff just over a month ago now, and that came back incredibly high. I am not aware of any resistance whatsoever around vaccinations.

**The Hon. WALT SECORD:** What does "incredibly high" mean?

**Ms HAVILAH:** At that time, which was over a month ago, it was over 95 per cent.

**The Hon. MARK LATHAM:** Minister, returning to the document, outcome 7 is a statistic we are too familiar with. Of Aboriginal youth aged 15 to 24, there are 38 per cent not in employment, education or training in New South Wales, which is a terrible thing. We read today that Deputy Premier Toole is reaching finalisation of an agreement with the Federal Government to bring in 55,000 Pacific Island workers to do the harvest in New South Wales. The obvious point: Why are we not providing training, jobs and opportunities for Indigenous youth—the 38 per cent, potentially a lost generation—instead of bringing in Pacific Islander workers to do those basic workforce tasks in New South Wales?

**The Hon. DON HARWIN:** I think those observations have been made about the Pacific Island workers scheme for some time. I am supportive of doing what we can to help the Pacific Islands, and I think it is important to do that anyway. But I certainly think that improving the skill base amongst Aboriginal people is a critical part of the Closing the Gap targets. Excuse me, I am just having a bit of trouble with hayfever. I think the target that relates to training is incredibly important. I am sorry, I am just having some difficulty at the moment. I am going to ask the secretary if he would not mind responding to this, please. Excuse me for just a second.

**Mr COUTTS-TROTTER:** It is a good point. The Federal Government is acting because, in the absence of Pacific Island workers, fruit will rot on the trees and other agricultural produce will go uncollected. It is

a necessary response for the moment. Yes, you are right that we should do everything we can to equip young people, particularly Aboriginal young people who otherwise are not working, to take up some of those jobs.

**The Hon. MARK LATHAM:** It is not high-skill work—

**Mr COUTTS-TROTTER:** It is not high-skill work.

**The Hon. MARK LATHAM:** —that requires some training, picking some fruit off the tree.

**Mr COUTTS-TROTTER:** No, but it is—

**The Hon. MARK LATHAM:** Why is it not happening? It is such an obvious thing. Given the problems with 38 per cent not in employment, education or training, why should there not be intergovernmental agreement that they come in to provide this workforce instead of bringing in people from overseas?

**Mr COUTTS-TROTTER:** Good question. I do not know the answer.

**The Hon. MARK LATHAM:** Can we get an answer, or maybe get it right for the harvest next year?

**Mr COUTTS-TROTTER:** Yes.

**The Hon. MARK LATHAM:** Is something similar happening in hospitality? The new Premier has outlined that we have dramatic labour force shortages. Businesses are screaming for hospitality workers, as well as the agricultural sector. Is this not another area where we can do something for the 38 per cent of Indigenous youth? In the economic recovery, that should be our first priority. Those hospitality workers look like they will come from overseas.

**The Hon. DON HARWIN:** I agree with you. There was a function in Parliament House last year which highlighted some of the good work that is being done in the hospitality area to increase the number of Aboriginal people working in hospitality. I would be very happy to get some of those details and provide them to you on notice.

**The Hon. MARK LATHAM:** We need a lot more than a dozen in Parliament House, don't we? That 38 per cent is a big number.

**The Hon. DON HARWIN:** No, it is much more than just a dozen people in Parliament House, and that is why I offered to get you the details and provide them on notice.

**The Hon. MARK LATHAM:** Thanks, Minister. In the school space, what involvement do you have in the selection of Connected Communities schools?

**The Hon. DON HARWIN:** Well, as I have said before, the role of the Minister responsible for Aboriginal affairs and AANSW is to be a central agency that coordinates policy. It is not a service delivery agency. Those decisions are taken by the Education cluster and the education Minister.

**The Hon. MARK LATHAM:** So you do not have any input then as to that policy? I can understand if a school is majority Indigenous, the theory of Connected Communities and I hope in practice they go a lot better than Walgett High. But they are about to convert—well, it is in the process—Narooma High, which is 12 per cent Indigenous, to become an Indigenous high school. Do you think we run the risk of pushback and resentment being generated by the other 88 per cent, who think, "Why us?"

**The Hon. DON HARWIN:** I am not familiar with the circumstances of Narooma High. I will be very happy to take the question on notice but I think it will probably be better directed to the education Minister.

**The Hon. MARK LATHAM:** Yes, I will be there on Tuesday. I will have a crack then. Thanks, Minister, for all your answers.

**The Hon. DON HARWIN:** It is a pleasure.

**The Hon. WALT SECORD:** Minister, are you aware of a community-based campaign in Sydney's south Lugarno to protect an historic house called Glenlee?

**The Hon. DON HARWIN:** I most certainly am and I am sure I have got something to say about that.

**The Hon. WALT SECORD:** Just be mindful I only have five minutes.

**The Hon. DON HARWIN:** I have actually been to Glenlee. In fact, the previous owners of Glenlee, the Matthei family, were very close friends of our family and attended the same church in Lugarno. In fact, I remember, while my mother was attending *Bible* study with Mrs Matthei in her house at Glenlee, playing in the garden with the Matthei children. I know it intimately. When it has been raised with me, I responded—by the local member who is assiduously supporting his local campaign, that is, Mark Coure, the member for Oatley.

**The Hon. WALT SECORD:** But have you taken any practical steps?

**The Hon. DON HARWIN:** Absolutely. As I recall, I wrote to Georges River Council on this, reminding them of their capacity to issue an interim heritage order [IHO] to protect Glenlee. I do not actually have a—

**The Hon. WALT SECORD:** What is your response to community calls for the State to purchase the site?

**The Hon. DON HARWIN:** To purchase the site?

**The Hon. WALT SECORD:** Yes.

**The Hon. DON HARWIN:** I will take that on notice. I wish I had the note in front of me. Unfortunately, I am only able to have three advisers in the room and my heritage adviser is not one of them. She will be most upset that I cannot remember the details without—

**The Hon. WALT SECORD:** If you can take that on notice, that is fine.

**The Hon. BEN FRANKLIN:** Hang on, there might be something happening.

**The Hon. DON HARWIN:** Let us see.

**The Hon. WALT SECORD:** The clock is ticking, Minister. You can take it on notice.

**The Hon. DON HARWIN:** Look, I do not want to take up all your time. I am not going to be a bastard. Let me just answer it on notice because I can assure you, after what I have said, Glenlee is a matter that I am very interested in making sure something is done about.

**The ACTING CHAIR:** Walt is the bastard here, Minister, not you.

**The Hon. WALT SECORD:** I am on my best behaviour today. Minister, one last question. Would you be aware of a current debate that is occurring in the United Kingdom involving sort of National Trust heritage houses, historic homes, where in fact there has been a report into 93 of the British National Trust properties and there is a community debate about installing panels and reinterpreting historic homes that were built on the back of slavery and colonialism? Is there any work being done in New South Wales involving the historic houses and properties that are under your purview?

**The Hon. DON HARWIN:** My goodness. Are you referring to properties that are—

**The Hon. WALT SECORD:** It is quite a controversy in the United Kingdom.

**The Hon. DON HARWIN:** —managed by Sydney Living Museums and old Historic Houses Trust?

**The Hon. WALT SECORD:** Or that come under your ministerial purview.

**The Hon. DON HARWIN:** Or are you referring to heritage-listed properties that are in either public or private ownership? I just was wondering if—

**The Hon. WALT SECORD:** Whichever you prefer to answer. I would like to get a sense of whether you have put your toe into this pond or moved into this area.

**The Hon. DON HARWIN:** I think one of the problems with—I will say this. The Heritage Council is very interested in this issue and one of the things that we are proposing to do in the Heritage Act review is make it easier to amend statements of significance. Because a large number of our State heritage listed properties were listed at a time when the significance of the actual site did not properly take into account Aboriginal cultural heritage matters or the Aboriginal heritage of the particular location, for example, some of the concerns that you directly pointed to were not taken account of either. I actually think it is a very good thing that one of the things we will be able to do when we bring to the Parliament an amended Heritage Act is deal with some of that. In terms of some of the Sydney Living Museums, if you have not visited Hyde Park Barracks—

**The Hon. WALT SECORD:** I have.

**The Hon. DON HARWIN:** Then you would know that, whereas once upon a time it would have concentrated very heavily on the male convicts who were there, now it is a far more appropriate reflection of the whole of our history and the role of that site in our history, which includes, for example, the relevance of the barracks to European colonisation and the displacement of our Aboriginal people. It also brings in aspects of women's history which, if Hyde Park Barracks was not central to their experience, nevertheless is more faithfully represented as part of the narrative of the Hyde Park Barracks than it previously was.

**The Hon. WALT SECORD:** Thank you, Minister.

**The ACTING CHAIR:** Any Government questions?

**The Hon. BEN FRANKLIN:** Minister, I just have one question. I was wondering if you had anything further you would like to add to any of your statements or answers today?

**The Hon. PENNY SHARPE:** Here is your opportunity to clean up, Minister.

**The Hon. MARK LATHAM:** Is that really a question?

**The Hon. BEN FRANKLIN:** Absolutely.

**The Hon. PENNY SHARPE:** I think that is a no.

**The Hon. DON HARWIN:** We can tell you more about Glenlee now or we can tell you on notice.

**The ACTING CHAIR:** No, I think we have had enough of that, Minister. Thank you very much for coming, Minister and officials. The secretariat will be in contact with you—

**The Hon. DON HARWIN:** If you would not mind I would just add, in relation to Glenlee, I wrote to the chairman of the Heritage Council on 18 October in the following terms. This is important and I should have read this:

I am writing to request that the Heritage Council of NSW consider progressing a State Heritage Register listing for Glenlee Farm on the Georges River in Lugarno ...

I go on to mention the IHO that Georges River Council put in place as a result of advocacy of members of the community, which I added my weight to. Then I go on to talk about some of the significance of it. I conclude by saying:

I would appreciate your consideration of progressing this listing as a priority and advising on the potential timeframe, and opportunities to partner with other agencies regarding conservation and future use of buildings and spaces within the proposed boundary.

That, I think, is information that the Hon. Walt Secord would be interested in.

**The Hon. WALT SECORD:** Thank you, Minister.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**